

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda  
The William P. Hobby Jr. Building  
333 Guadalupe Street Tower II, Room 350L  
Austin, Texas  
Wednesday, February 12, 2014  
1:00 p.m.

1. Call to Order
2. Roll Call
3. Public Comment
4. Board's Approval of the Executive Director (ED) Performance Evaluation from August 1, 2012 through July 31, 2013. *(Action)*
5. Board Development and Approval of the 2014 Performance Goals, Plans, and Outcome Measures for the Executive Director. *(Action)*
6. Determination and final disposition of the 2013 Executive Director Performance Evaluation and possible personnel action *(Action)*
7. Board Discussion/Recommendation of Current and Potential Future ED Evaluation System. *(Discussion)*

***The Board may meet in closed session pursuant to TEX. GOV'T  
CODE ANN. §551.074, Texas Gov't Code, the Texas Open Meetings Act  
to confer on personnel matters***

8. "Blue Sky" Discussion of Potential Issues/Trends/Processes that the Board should consider regarding agency operations. *(Discussion)*
9. Recent TxA Report on Architectural Licensure and NCARB Efforts *(Information)*
10. Adjourn

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of the Executive Committee Meeting

**July 29, 2013**

William P. Hobby Jr. Building, 333 Guadalupe Street  
Tower II, Conference Room 350L  
Austin, TX 78701  
9:00 a.m. until Completion

**1. Call to Order**

Chair Alfred Vidaurri called the meeting of the Executive Committee for the Texas Board of Architectural Examiners to order at 9:00 a.m.

**2. Roll Call**

Alfred Vidaurri, Chair, called the roll.

**Present**

Alfred Vidaurri, Jr.	Chair
Sonya Odell	Vice-Chair
Chase Bearden	Secretary/Treasurer

**Excused Absence**

Paula Ann Miller

**TBAE Staff Present**

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administrative Manager
Katherine Crain	Legal Assistant
Kenneth Liles	Finance Manager
Christine Brister	Staff Services Officer

**3. Public Comment**

None

**4. Approval of minutes of the July 30, 2012, meeting of the Executive Committee**

Ms. Odell noted the agency's strategic plan was approved at that meeting. In response to her inquiry, the Executive Director stated the strategic plan is on the agency Web site. The Chair inquired about the scheduled cycle for adopting strategic plans. The Executive Director stated it is on a 2-year cycle, subject to adoption in even-numbered years. The next strategic plan will be adopted in 2014. A MOTION WAS MADE (Bearden/Odell) TO APPROVE THE MINUTES OF THE JULY 30, 2012, MEETING OF THE COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

The Chair gave a highlighted overview of the Executive Committee for new member, Sonya Odell. He stated that they were usually quick meetings that were open and posted meetings. The Committee meets to develop a budget to

recommend to the Board and to conduct the Executive Director annual performance evaluation. The purpose of the meeting was to look at high level items, give staff direction and make recommendations to the Board on proposed policy direction for consideration and vote. However, he noted that most of the time the Executive Committee focused on the budget for the upcoming fiscal year.

**5. Review Fiscal Year 2013 Operating Budget, proposed budget for Fiscal Year 2014, and develop the Fiscal Year 2014 budget recommendation to the Board**

Ms. Odell inquired about the budget item titled “funding for 6 months.” The Executive Director stated that is a line item commonly referred to as the reserve. Pursuant to Board budget policy, the agency maintains a balance equivalent to 6 months of expenditures to cover unanticipated reductions in revenue or large expenditures.

The Executive Director outlined the budget materials for the Fiscal Year 2013 budget. The agency carried forward \$1.9 million in reserve from Fiscal Year 2012 into Fiscal Year 2013. The materials describe the budget projections of revenue and specific line items of expenditures. There is also a listing of actual revenue collected and expenditures made (with projections for revenue and expenditures for August) and a column listing by line item the percentages of projected revenue and expenditures compared to actual revenue and expenditures.

The budget for 2013 projected revenue of \$2.9 million. The agency collected roughly 93.75% of projected revenue. The Executive Director noted \$1.5 million was budgeted for salaries while \$1.3 million, or 87% of the budgeted amount, will actually be expended on salaries for Fiscal Year 2013. The Executive Director outlined all other expenditure line items, noting minor variations between the budgeted and actual amounts. One item, identified as “draw on fund balances” referred to a decision by the Board to make IT purchases and employ a new IT manager in Fiscal Year 2013. She reported that it did not seem prudent to employ any new personnel during the last legislative session when the Sunset bill could have had a significant negative fiscal impact upon the scope of agency jurisdiction and operations. The agency made the purchases (other than hiring an IT manager) with available funds and therefore it was not necessary to make the draw upon the reserve. The Executive Director reported that she plans to hire an IT Manager within the office by September 1, 2013.

The Chair asked the members if they had any questions. Ms. Odell asked about salaries and retirements for the upcoming year. She noted the agency expended roughly \$200,000 less than budgeted for salaries. She inquired whether the projected salaries for Fiscal Year 2014 will be adequate in light of employing a new IT Manager. The Executive Director stated that she is likely to fill the position by promoting from existing staff and is unaware of anyone planning to retire in

the upcoming year. She stated three people retired from the agency last year and a fourth took a job at another agency. The Finance Manager stated that the agency had a bare bones budget of \$1,332,040 that it will fund the staff with for the upcoming year. He stated that this amount should be adequate. In addition, he said that this is the tightest the agency's budget had been since he had been hired. He stated that the agency is projecting a surplus of \$64,801 at the end of Fiscal Year 2013.

The Chair noted the agency expended only 43% of the amount budgeted for staff training and training was not carried out as budgeted. The Executive Director responded that the legislative session impacts training. It is difficult to have staff out of the office at a time when the Legislature should be monitored and requests for fiscal notes or from Sunset analysts must be answered. Mr. Bearden asked if the agency is able to find training at home and save on travel costs. The Executive Director stated that is the case and the agency emphasizes local training over out-of-town training.

The Chair inquired about whether there was adequate funding in the proposed budget for the Board to be adequately represented at NCARB, CLARB and NCIDQ. He stated some states send the entire Board, executive directors and legal counsel. The Chair stated he is not advocating for that much representation but favored adequate representation of the Board at the national associations. Ms. Odell noted the agency's Communications Manager attended the NCIDQ conference and learned a lot about the interior design profession. The Executive Director stated the Communications Manager attended the NCIDQ conference because the agency was going into a Sunset session in which there had been a recommendation to repeal laws relating to registered interior design. It was important for the agency to have communications thoroughly informed about the interior design profession. She noted that it is beneficial for the public members of the Board to attend the national conferences to learn more about the professions and the national standards for regulating them. However, she noted that the Legislature is very concerned about travel, especially travel by SDSI agencies. She also observed that the upcoming fiscal year is a transition year from a budgetary standpoint. The agency will have to adjust to the changes made by the Legislature and the fiscal impact of those changes. For those reasons, the Executive Director urged deferring travel until the following year to the extent possible.

The Chair noted the Board used only 80% of the amount budgeted for Board travel for Fiscal Year 2013. He stated he favors enabling Texas Board members to gain leadership positions at the national organizations if they have a desire to do so, which would require Texas Board members to attend the conferences.

Mr. Bearden asked if other agencies regulate more than one profession which involves membership in more than one national organization. The Executive Director noted that the Board of Professional Engineers has only one national

organization, despite several branches of engineering. She also noted the membership of that Board does not seek reimbursement. Mr. Bearden also asked about other jurisdictions and whether the Boards in those jurisdictions regulate architecture, landscape architecture, and interior design. The Executive Director stated Tennessee, Florida and Georgia do. The Chair noted he has seen other states leading workshops on best practices, reciprocity, and alternative paths to licensure. He also has seen presentations on BIM modeling and the elimination of sealing requirements as part of the incorporation of BIM into the rules. The Chair noted it might be more beneficial to send more staff to national conferences because of the information and data they bring back. The Executive Administrative Manager stated the agency sent three staff members to CLARB and they provided a detailed written report to the Board at the June meeting.

The Chair addressed the Committee and asked if the Committee believed the Board has adequate representation at NCARB, CLARB and NCIDQ and whether the Board should ensure that the Executive Committee should have representation at the national conferences and meetings. He also inquired about the methodology the agency used to determine who should attend these meetings on behalf of the Board. The Executive Director stated she generally tries to ensure someone attends who has not attended a meeting in a while. She also considers the location of the meeting, whether in-state or out-of-state and whether it would be beneficial to the agency for a particular staff member to attend considering the function of that staff member. The Chair noted the Executive Director decides who on staff should attend, and delegates from the Board attend, but what is unclear, is who else should attend. The Committee discussed increasing the line item in the budget to cover travel costs for board members and staff in Fiscal Year 2014. The Chair stated that he believed it was important that staff attend some of these conferences. The Executive Director opined all Board members and lots of staff should attend the NCARB meeting in San Antonio this coming spring. No action was needed on the 2013 budget – was presented for discussion only.

The Executive Director laid out materials regarding the Architectural Registration Examination Financial Assistance Fund and requested direction on the future of the fund. She stated that when the fund was first created each architect paid a \$10 surcharge upon renewing registration which was deposited into the fund. That amount, the interest it accrued at the time in question, and the relatively small amount and number of payments made from the fund caused a significant balance to accrue. The Board reduced the surcharge to \$1 and then stopped collecting any surcharge. The Executive Director noted interest rates are much lower than they were when the Fund was first created and the agency has raised the income thresholds for receiving a scholarship which has increased the number of payments made from the fund. The Executive Director reported that the fund will hit a zero balance in 5-6 years.

The Executive Director recommended revising the scholarship rule so that a person may receive a scholarship only upon successfully passing the entire Architectural Registration Examination so that reimbursement is not made to a person who ultimately does not pass the examination because of the “rolling clock” deadline. The Executive Director asked the Committee for direction on continuing the scholarship fund or allowing it to go to a zero balance.

The Chair said he believes that the agency should continue the legacy and continue to give scholarship awards. He asked when the agency began charging a \$1.00 surcharge. The Executive Director stated the surcharge went from \$10 to \$1 within a year or so after it was created in 2001. There has been no charge over the past 5 years. In response to questions from the Chair, it was established that there are three distributions per year, by statute an award from the fund is set at \$500, awards are based upon financial means – a percentage above the poverty line which has not been adjusted for inflation.

Mr. Lancaster noted that there is opposition to this program within the Texas Society of Architects. Generally, re-establishing a surcharge would not be well-received as many believe they should not be charged to help others become their competitors within the profession. He noted there may be a legislative change to the fund’s enabling statute.

The Chair recommended that this issue be brought before the Board at the October meeting with the following information: income threshold for receiving an award; dates when the surcharge was \$10, \$1, and \$0; an estimated date when the fund will be depleted and projection models for revenue and balances adding additional sums to the fund. The Chair also asked for projection models for increasing the number of awards by increasing the income thresholds. The projection model should establish a formula stating how much must be received to pay the estimated \$25,000 paid out each year. The projection models should indicate how much revenue would be received by each increase in surcharge and how many awards may be made by each increase in surcharge. Ms. Odell noted the projections should take into account anticipated increases in examination costs. The Chair stated the Board should consider a 5-year “look ahead” and provide direction after the receipt of information.

The Executive Director directed committee members back to the proposed budget for 2014. She stated that salary and wages were approximately \$1,394,330, up from \$1,332,000 in Fiscal Year 2013. The legislature mandated a 1.0% raise for all state employees as of September 1, 2013. In addition, she stated that the agency added \$62,000 to payroll related costs for the increase in salaries and the promotion for the IT person. She said that the agency would lose \$135,000 in late fees due to legislative changes.

The Executive Director noted the line item for professional fees and services is increased to reflect projected costs for SOAH, legal representation from the Office of the Attorney General, and expert witness fees.

The Executive Director directed their attention to the IT section of the budget. She noted that there are two alternate budgets – one with a cost for new servers and one that does not show that expenditure. She recommended approving the version with new servers or there will be a large cost in 2015. She said that DIR will provide Cloud services through Microsoft Office 365 which is a hybrid Cloud system, allowing the agency to maintain its own servers. By utilizing the DIR contract, the agency will incur a cost of \$14 per person compared to a cost of \$20 per person under an agency-specific contract. The Executive Director stated DIR will have great security and additional fire walls. The agency will have virtual servers through the Cloud in addition to its own servers. The Chair stated that he was personally in favor of the budget that included the servers.

Ms. Odell agreed with the Chair and the Executive Director regarding the purchase of servers, but expressed concern over the loss of revenue from registered interior designers discontinuing their registrations. The Finance Manager stated that the agency had calculated some preliminary losses as a result of the interior design legislative changes. The projection is that roughly one-fourth of registered interior designers will decline to maintain registration in 2014 distributed among active, inactive and emeritus registrants at a cost of roughly \$41,144 in reduced revenue. The Chair stated the 25 percent reduction in the number of grandfathered registered interior designers as well as the corresponding reduction in projected revenue seemed reasonable, in the absence of any other substantial data indicating a different result. Ms. Odell noted that most of the grandfathered interior designers are in their late 50's or older and it stands to reason that many will decide not to take a \$1,000 examination. She also noted other factors such as aging, the economy and normal attrition will affect this group; therefore, it was impossible to calculate the precise loss for the agency at this time. The Chair asked how long the examination requirement will affect the number of registered interior designers. The Finance Manager noted the new law imposes a deadline to pass the examination in 2017 so the agency anticipates a reduction in revenue through that year. He stated that there were 1811 grandfathered interior designers as of today and if they do not take the NCIDQ exam by 2017, the agency will have lost 1811 registrants. Ms. Odell stated that within a year, the agency will have a better grasp of how many registrants will drop out of the program. Mr. Bearden asked if the challenges to the registered interior design program over the past 6 years has had an effect upon the number of new registrants coming into the profession. Ms. Odell and the Executive Director both responded that it has. Ms. Odell added that it was also difficult to obtain the experience required for registration due to the recession that began in 2008 which has diminished the number of new registrants.

A MOTION WAS MADE (Odell/Bearden) TO RECOMMEND THE BUDGET SHOWING EXPENDITURES FOR NEW SERVERS AND SHOWING A REDUCTION IN PROJECTED REVENUE DUE TO INTERIOR DESIGN ATTRITION FOR PRESENTATION TO THE BOARD. THE MOTION PASSED UNANIMOUSLY.

**The Committee recessed at 10:45 a.m. and reconvened at 10:55 a.m.**

**7. Performance Evaluation of the Executive Director from August 1, 2012 through July 31, 2013 (Action)**

**At 11:02 a.m. the Committee adjourned open session and the Chair called the Committee into closed session pursuant to TEX. GOV'T CODE §551.074 in order to deliberate on personnel matters.**

**At 12:40 p.m. the Committee reconvened in open session. The Chair called the open session of the Committee to order.**

A MOTION WAS MADE (Bearden/Odell) TO RECOMMEND TO THE BOARD THAT THE EXECUTIVE DIRECTOR RECEIVE A SALARY ADJUSTMENT TO INCREASE HER SALARY BY 3 PERCENT. THE MOTION PASSED 2-1.

The Chair stated that the Executive Director's proposed Executive Development Plan should be presented to the Board with adequate time for the Board to review it and make a decision. He opined that it was too robust and should be honed. He asked the Executive Director to come to the Board prepared to share it with the Board. The Chair stated that he also wants the Board to set the Executive Director's goals for 2014. The Board will meet in closed session in order to have a full, open and candid exchange regarding performance and expectations.

A MOTION WAS MADE (Bearden/Odell) TO ADJOURN THE MEETING AT 12:55 p.m. THE MOTION PASSED UNANIMOUSLY.

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ALFRED VIDAURRI, JR.  
Chair

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Thursday, February 13, 2014

9:00 a.m.

### 1. Preliminary Matters

- A. Call to order
- B. Roll call
- C. Excused and unexcused absences
- D. Determination of a quorum
- E. Recognition of guests
- F. Chair's opening remarks
- G. Public Comments

Alfred Vidaurri  
Chase Bearden  
Alfred Vidaurri

### 2. Approval of the August 22, 2013 Board Meeting Minutes (*Action*)

Alfred Vidaurri

### 3. Executive Director Report (*Information*)

Cathy Hendricks

- A. Operating Budget - Presentation on FY2013 end-of-year expenditures/revenue
- B. Trend Analysis Presentation:
  - Operating Budget/Scholarship
  - Enforcement
  - Registration
  - Communications
- C. Outreach Program Update
- D. Survey of Employee Engagement 2013

#### Report on Conferences and Meetings (*Information*)

- A. 2013 **CLARB** Board of Directors/Annual Meetings – Sep 26-28
- B. 2013 **LRGV-AIA** Building Communities Conference – Sep 26-27
- C. **Texas Association of School Administrators/Texas Association of School Boards** Conference 2013 – Sep 17-28
- D. **TxA** 2013 Convention & Design Expo – Nov 7-9
- E. **NCIDQ** Annual Council of Delegates Meeting – Nov 8-9

### 4. Update on NCARB Spring-Regional Meetings and Annual Meeting (*Information*)

Alfred Vidaurri

### 5. Update on status of TBAE v. Powell, Nagaglioni, and Hernandez on behalf of PBK Architects and Gignac on behalf of Gignac & Associates – closed session to discuss pending litigation (*Information*)

Nancy Fuller  
Scott Gibson

***The Board may meet in closed session to confer with legal counsel regarding pending litigation pursuant to TEX. GOV'T CODE ANN. §551.071(1)***

### 6. Report on Rules (*Action*)

Scott Gibson

- A. Proposed Rules for Adoption

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## Board Meeting Agenda

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333 Guadalupe Street

Austin, Texas

Thursday, February 13, 2014

9:00 a.m.

**Rules 1.149/3.149/5.158** – Revising criminal history background check procedures to implement recent legislation requiring the submission of fingerprints

### **B. Draft Rules for Proposal**

**Rules 1.28/3.28/5.38** – Prohibiting the issuance of an architectural, landscape architectural, or registered interior design certificate of registration to applicants whom the Board has received notice are in arrears in child support obligations

**Rule 1.52** – Requiring applicants to pass the Architectural Registration Examination in order to receive an award from the Architectural Registration Examination Financial Assistance Fund

**Rule 1.192** – Amending architectural internship requirements to allow credit after receiving a high school diploma or equivalent and to eliminate mandatory minimum hours per week and employment duration requirements

**Rules 1.66/3.66/5.76** – specifying continuing education requirements for registrants whose certificates of registration are reinstated after a period when they were revoked or surrendered

**Rules 1.69/3.69/5.79** – specifying continuing education requirements for registrants during their first calendar year of registration

## **7. Enforcement Cases (Action)**

Scott Gibson

**Review and possibly adopt ED's recommendation in the following enforcement cases:**

### **A. Registrant & Non-Registrant Cases:**

Garrison, Michael (#168-13N)

Jetton, Sheila (#219-12N)

Pappageorge, George (#120-13A)

Taniguchi, Evan (#176-13A)

Taylor, John (#127-11N)

### **B. Continuing Education Cases:**

Appel, Jennifer (#196-13L)

Armstrong, Ted (#009-14A)

Bache, Debra Lee (#195-13I)

Batho, Robert T. (#174-13A)

Blonski, Arcadio (#198-13A)

Boggio, Michael A. (#002-14A)

Eckols, Donald A. (#061-14A)

Evans, Evan U. (#201-13A)

Henderson, Mark W. (#008-14A)

Hiza, Carolyn F. (#003-14I)

Huerta, Javier (#007-14A)

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Thursday, February 13, 2014

9:00 a.m.

Kniffen, Anne E. (#008-14I)  
Lam, Nai (#212-13I)  
Langford, Steven W. (#169-13I)  
McIntyre, Timothy A. (#010-14A)  
McMillan, Ben S. (#194-13A)  
Mendoza, Gary A. (#093-13A)  
Monsanto, Hugo (#197-13A)  
Montgomery, Robert E. (#062-14I)  
Moore, Sherry R. (#211-13I)  
Mullican, Gerri P. (#056-14I)  
Oberholzer, Mark A. (#004-14A)  
Rickard, Susan E. (#005-14I)  
Robert, John E. (#051-14A)  
Robertson, Stan A. (#055-14A)  
Scoggins, William Curtis (#213-13L)  
Sorenson, Mark E. (#046-14A)  
Swanteson, Catherine L. (#204-13I)  
Vernooy, David A. (#166-13A)  
Wellman, Parke R. (#191-13A)  
Yeatts, Gordon N. (#110-13A)  
Young, C. Cal (#200-13A)  
Young, Erron A. (#214-13A)

***The Board may meet in closed session pursuant to TEX. GOV'T  
CODE ANN. §551.071(1) to confer with legal counsel***

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|---|-----------------|
| <b>8. Board Election (Action)</b><br>Board Vice-Chair and Secretary/Treasurer<br><b>Board Committee Assignments (Action)</b><br>Rules Committee | Alfred Vidaurri |
| <b>9. Review Speaker of the House, Joe Straus' Recent Letter to Board Members (Information)</b>   | Alfred Vidaurri |
| <b>10. Upcoming Board Meeting &amp; Board Schedule (Action)</b>   | Alfred Vidaurri |
| <b>11. Chair's Closing Remarks</b>  | Alfred Vidaurri |
| <b>12. Adjournment</b>  | Alfred Vidaurri |

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Thursday, February 13, 2014

9:00 a.m.

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### **NOTE:**

- ◆ *Items may not necessarily be considered in the order they appear on the agenda.*
- ◆ *Executive session for advice of counsel may be called regarding any agenda item under the Open Meetings Act, Government Code §551.*
- ◆ *Action may be taken on any agenda item.*

### **NOTICE OF ASSISTANCE AT PUBLIC MEETINGS**

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services are required to call (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.

## **FREQUENTLY USED ACRONYMS**

<b>ACSA</b>	Association of Collegiate Schools of Architecture
<b>ADA</b>	Americans with Disabilities Act
<b>AIA</b>	American Institute of Architects
<b>ASID</b>	American Society of Interior Designers
<b>ASLA</b>	American Society of Landscape Architects
<b>ARE</b>	Architect Registration Examination
<b>BOAT</b>	Building Officials Association of Texas
<b>CACB</b>	Canadian Architectural Certification Board
<b>CIDA</b>	Council for Interior Design Accreditation (Formerly FIDER)
<b>CLARB</b>	Council of Landscape Architectural Registration Boards
<b>GAA</b>	General Appropriations Act
<b>GRF</b>	General Revenue Fund
<b>IDCEC</b>	Interior Design Continuing Education Council
<b>IDEC</b>	Interior Design Educators Council
<b>IDP</b>	Intern Development Program
<b>IIDA</b>	International Interior Design Association
<b>LARE</b>	Landscape Architect Registration Examination
<b>MBA</b>	Member Board Administrator (within NCARB)
<b>NAAB</b>	National Architectural Accreditation Board
<b>NCARB</b>	National Council of Architectural Registration Boards
<b>NCIDQ</b>	National Council for Interior Design Qualification
<b>OAG</b>	Office of the Attorney General
<b>SOAH</b>	State Office of Administrative Hearings
<b>SORM</b>	State Office of Risk Management
<b>TAID</b>	Texas Association for Interior Design
<b>TAS</b>	Texas Accessibility Standards
<b>TASB</b>	Texas Association of School Boards
<b>TBPE</b>	Texas Board of Professional Engineers
<b>TSA</b>	Texas Society of Architects
<b>TSPE</b>	Texas Society of Professional Engineers

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of August 22, 2013 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 225

Austin, TX 78701

9:00 a.m. until completion of business

### 1. Preliminary Matters

#### A. Call to Order

Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:03 a.m.

#### B. Roll Call

Secretary/Treasurer Sonya Odell called the roll.

#### Present

Alfred Vidaurri	Chair
Chase Bearden	Vice-Chair
Sonya Odell	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Member

#### TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Jackie Blackmore	Registration Coordinator
Christine Brister	Staff Services Officer
Ken Liles	Finance Manager
Julio Martinez	Network Specialist
Jack Stamps	Managing Investigator (in @ 10:30)
Katherine Crain	Legal Assistant

#### C. Excused absences

Debra Dockery (Excused) and Paula Ann Miller (Excused)

#### D. Determination of a quorum

A quorum was present.

#### E. Recognition of Guests

The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects, James Perry, Texas Society of Architects, Nancy Fuller, Office of the Attorney General and Kelly Barnett.

**F. Chair's Opening Remarks**

The Presiding Chair thanked everyone including the Board and staff for joining the meeting. He explained that he had been in leadership training and had read books by Jim Collins entitled *Good and Great* and *Great by Choice*. The concept in the second book is about leadership that goes above and beyond by at least ten times the industry average based on performance. He stated that these leaders are not the most creative, ambitious or charismatic. Their leadership was based upon one principle: control vs. no-control. They have a basic understanding on difference between things they can control and things they cannot control. They focus their energy on the things they can control and do not allow their decisions to be dictated by things outside of their control. The Chair noted that consistency of action, values, goals and performance defines leadership. He noted that the Board has tough, great work ahead of it and the members of the Board have it within their control to choose how to lead.

**G. Public Comments**

The Chair opened the floor for public comment and recognized Donna Vining, Kelly Barnett and David Lancaster.

Donna Vining, Executive Director for Texas Association for Interior Design, began her public comment by complimenting TBAE Executive Director and agency staff for coming to their aid during the legislative session by responding promptly to the association's public information requests. Ms. Vining addressed proposed amendments to Rules 5.31 and 5.51 which were on the agenda for the meeting. Ms. Vining stated it was her understanding that amendments to the agency Sunset bill was to accomplish two things – allow grandfathered registered interior designers one additional year to pass the registration examination in order to remain registered after 2017 and allow the ARE to substitute for the NCIDQ examination only for architects who are currently grandfathered registered interior designers and not to allow subsequent applicants to use the ARE in order to become registered interior designers.

Kelly Barnett, interior designer, read a statement to the Board. She noted it is TBAE's responsibility to the public to protect the health, safety and welfare. She stated the public assumes all registered interior designers listed on the agency Web site have passed the NCIDQ examination and have met current educational requirements. She stated the Web site must be changed immediately to specify which registered interior designers became registered through a grandfather provision. Furthermore, she read excerpts of a deposition of the Executive Director in a lawsuit filed against the agency by the Institute for Justice in which it was stated the agency had the ability to specify which registered interior designers became registered through a grandfather provision.

David Lancaster of Texas Society of Architects thanked the Board for the opportunity to make a public comment. He stated that he wanted to offer a reaction to Ms. Vining's comments. Entering into the Sunset process, TSA's understanding was that the Sunset Commission understood that passage of the ARE was at least equivalent to passage of the NCIDQ. Mr. Lancaster stated it was believed the original Sunset bill took this equivalency into account and excluded dual licensed architects/interior designers from the requirement that registered interior designers who had not passed the NCIDQ examination must do so in order to remain registered after 2017. However, TSA learned that the Sunset bill as originally written did not take into account the fact that architects who are also registered interior designers had passed the ARE. He said TSA raised the issue with the bill's sponsors in the Senate and House, informing them the language imposed a redundant and unnecessary examination requirement upon dual licensees who had already passed an architectural examination which is at least as rigorous as the NCIDQ. Mr. Lancaster stated TSA's representatives informed the legislators that the cleanest solution would be to allow registration beyond 2017 for registered interior designers who had passed either the ARE or the NCIDQ. According to Mr. Lancaster, TSA pointed out to the bill sponsors that this solution would be preferable in that it would have the most limited impact on interior design registration requirements. Only those architects who are currently registered as interior designers would be able to rely upon passage of the ARE to maintain interior design registration. He stated that TSA also told the sponsors an alternative would be to amend the bill to require passage of the examination specified by Board rule for interior design registration in effect on January 1, 2014 instead of September 1, 2013, as in the original bill. The amendment would give TBAE time to amend its rule to allow the ARE to count for interior design registration. Mr. Lancaster reported it was made clear to the bill sponsors that this change would allow all architects to become registered as registered interior designers upon passage of the ARE and its effect would not be limited to dual licensees as with the first option. Mr. Lancaster said the bill sponsors opted for the second version so that the Board would make the decision on whether to allow the ARE to count for interior design registration. Mr. Lancaster noted Ms. Vining's comments were to the effect that legislative intent was to limit the effect of the provision to architects who are grandfathered interior designers. He observed this is not the case.

The Chair introduced the two new board members, Chad Davis and Davey Edwards, and gave them their official TBAE pins.

**2. Approval of the June 14, 2013, Board Meeting Minutes**

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE JUNE 14, 2013, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

**3. Executive Director Report – Presentation of Budget**

**A. Presentation of FY2013 end-of-year expenditures/revenue**

The Executive Director outlined a document before the Board which listed by budget item the actual revenues and expenditures at the end of Fiscal Year 2013 and a comparison to the budgeted revenues and expenditures set at the start of the year. She noted that revenue from interest is down by 40% as interest rates have been kept low. Revenue under the category of “other” is primarily cost recovery from public information requests and is at 60% of projections in the budget. She noted the total amount of revenue is very close to the budgeted projection at 94% of the budgeted amount. The Executive Director also pointed out that the budget item “actual expenditures” is very close to the budgeted amount. The major variations were for staff training for which the agency spent only \$10,000 or 43% of the budgeted amount.

The Executive Director noted the Board added four items at a cost of \$100,000 to the staff-recommended base budget at the start of Fiscal Year 2013. She reported the agency did not spend most of that money due to Sunset recommendations which would have had a significant impact on agency revenue. The agency postponed those expenditures until the impact of the legislative session became clear. As a result, the agency did not hire an Information Resource Manager and deferred expenditures for staff training and staff travel. The agency did expend \$45,000 in IT upgrades – one of the additional items. Expenditures for the items “salaries and wages” and “payroll related costs” were lower than budgeted because three employees retired and one left to work at another agency and those positions were not filled. The agency employed one part-time employee to cover some of the duties of one of those positions and reallocated the remainder of the workload to other staff.

Mr. Edwards inquired about the revenue item titled “Draw on Fund Balance” of approximately \$166,635 which was apparently not spent and does not appear in the proposed budget for Fiscal Year 2014. The Chair observed that it was a good question and suggested the item appear in the budget to illustrate the manner in which the agency will draw upon reserves to cover the cost of specific items added to the budget last year. The Finance Manager stated that is correct. The Finance Manager stated the Board had adopted a policy to maintain balanced budgets which requires expenditures not to be budgeted to exceed revenues. When an additional item is added to the balance budget, the agency will show a draw on fund balance to cover that cost and keep the budget balanced. As

the agency moved through the fiscal year, it was able to cover the additional expenditures (which were not postponed) through revenue the agency was collecting. Therefore, there was no draw on the fund balance and no amount appears for that revenue item in the column for actual and projected expenditures for the year.

Mr. Anastos inquired about the staff vacancies. The Executive Director stated they will remain vacant for the time being.

The Executive Director outlined a document before the Board regarding the budgeted and actual expenditures from the Architectural Registration Examination Financial Assistance Fund ("AREFAF"). She reported the current balance as \$140,000. The agency awarded roughly 50 scholarships from the fund during the fiscal year which is about normal.

Mr. Bearden asked the Executive Director to explain the origins and purpose for the fund. The Executive Director stated in the 1990's Representative Ferrar became concerned about the cost of the Architectural Registration Examination. Representative Ferrar sponsored legislation to create a fund to help pay the costs of the examination. Initially the law imposed a surcharge of \$10 upon the renewal of each architect's certificate of registration. The revenue stream created a large balance in the fund which began to accrue \$40,000 in interest each year. The law was amended to allow the agency leeway to impose a surcharge of less than \$10 and the charge was reduced and eventually eliminated roughly 10 years ago. The Executive Director reported awards have been charged against the balance, without replenishing the revenue, and income from revenue has dropped significantly. According to the Executive Director, the fund will be depleted in roughly 5 years.

Mr. Anastos asked if the agency could charge firms for value-added services on the agency's newsletter to restore the fund's balance. The Executive Director asked the Board if the scholarship fund may appear on the agenda for the October Board meeting. She indicated she would provide more information in greater detail and suggested Representative Ferrar should be consulted and the Board should receive input from the profession regarding funding of the scholarship program. She also asked Board members to share any ideas with her. The Executive Director also suggested that the Board consider amending the rules which implement the scholarship program to bar a candidate from receiving reimbursement until after successfully completing all parts of the examination. She noted a candidate might pass part of the examination but fail to complete all parts within 5 years as required under the "rolling clock" rule. She suggested candidates who never become licensed should not receive an award from the program.

Mr. Edwards asked if the Texas Society of Architects have a similar scholarship. Mr. Lancaster answered the Society has a comparable program for architectural students but not candidates for registration. He also stated many architectural firms have reimbursement programs for candidates working at the firm and noted that the statute was worded to avoid paying a scholarship to a person who has other means to cover the cost of the scholarship.

The Chair laid out the proposed budget for Fiscal Year 2014 before the Board. The Chair reported that the Executive Committee voted to recommend the proposed budget to the Board. The Executive Committee's recommendation is based upon projected losses in revenue due to a 25% projected reduction in the 1,811 registered interior designers who are subject to the examination requirement in the Sunset bill. The Executive Director stated the Committee considered five separate attrition scenarios and decided to project a reduction of 25% with a projected reduction in revenue of \$41,144. She noted the recommended budget includes lower travel expenses and includes \$41,000 for the purchase of servers. The Executive Director referenced a document before the Board which lists projected losses of \$75,000 in administrative penalties, \$140,000 in late penalties and the projected loss in projected attrition in registered interior designers, resulting from recent legislative changes. The Executive Director stated the Committee's recommended budget includes projected cost savings of \$110,000 in credit card fees by outsourcing online payment processing and projected additional revenue of \$67,500 from business registration fees. In addition, the agency will no longer conduct its own criminal background checks for which it is charged a specific fee per check. The recommended budget includes a reduction in expenditures of \$20,000 to reflect savings on criminal history background checks.

Mr. Edwards noted a cost for credit card fees in September and asked if the agency will continue to pay those fees until October. The Executive Director stated that is correct. The contract with Texas.gov will not be fully implemented until sometime in September so the recommended budget includes that cost for the month of September.

The Chair asked about note A in the budget. It specifies that the budget includes increased salary costs of 1% because of a state-mandated pay raise. But it also includes a .5% increase in salaries and wages for an increased payment to ERS. The Chair asked about "ERS". The Finance Manager stated "ERS" stands for the Employee Retirement System. The Legislature required an increase payment from the agencies to make the retirement fund viable.

Mr. Davis asked if the IRM function was currently being fulfilled by an outside contractor. The Executive Director stated she was currently carrying out that job with the assistance of the three members of the agency's IT division.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO ADOPT THE RECOMMENDED FISCAL YEAR 2014 BUDGET. THE MOTION PASSED UNANIMOUSLY.

#### **4. General Counsel Report**

##### **A. Proposed Rules for Adoption:**

The Chair recognized the General Counsel to describe proposed amendments to Rules 5.31 and 5.51 to modify exam requirements for registration as a registered interior designer; striking obsolete language. The General Counsel stated the effect of the proposed amendments would be to recognize that an applicant may become registered as an interior designer by passing the Architectural Registration Examination. If the amendments are adopted and in effect by January 1, 2014, registered interior designers who are also architects will have met examination requirements for registration as a registered interior designer and therefore, will not be required to pass the National Council for Interior Design Qualification examination in order to maintain registration after September 1, 2017 pursuant to the Sunset Bill. He stated the Board proposed the amendments at its last meeting and they were published for public comment. He said that he received two public comments in writing favoring adoption, including comment from the Texas Society of Architects. The General Counsel noted copies of public comment are before the Board for consideration. Referring to comment made during the public comment portion of the meeting, he noted that the Texas Association of Interior Designers is opposed to the proposed amendments.

The Chair asked if anyone on the Board wished to make a motion regarding the proposed amendments so that the motion will be before the Board for discussion. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADOPT AMENDMENTS TO RULES 5.31 AND 5.51 AS PROPOSED.

The Chair recognized Ms. Odell to comment on the Motion. Ms. Odell noted the Legislature rescinded grandfather status only for registered interior designers, not architects or landscape architects. The intent in the legislative amendment was to address only dual licensees – who are architects and registered interior designers – to allow them to maintain registration as interior designers and not to open up interior design registration to architects who are not grandfathered. She also noted that the legislation disenfranchises older registered interior designers who are

50 to 70 years old and are historically underutilized businesses that will lose their registrations and their businesses. She stated there will be two opportunities in the next two sessions before 2017 for the Legislature to change the examination requirement.

Mr. Anastos stated he also opposes the measure and expressed his hope the Legislature will reconsider and change it next session. Mr. Edwards suggested that the measure be tabled and referred to the Rules Committee for more extensive review.

The General Counsel noted that the Board may refer the proposed amendments to the Rules Committee. However, if the amendment is not in effect by January 1, 2014, it will not have any effect upon the examination requirement to the extent it applies to architects who are registered as interior designers. The Board may reevaluate the rule at a later time to determine if allowing architectural candidates to become registered as interior designers has any adverse impact. He also noted that the rules have been proposed and if they are substantially amended in a manner which substantively changes their original intent, they will have to be republished for public comment.

A MOTION WAS MADE (Anastos/Mijares) TO TABLE THE MOTION UNTIL LATER IN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

**The Board recessed at 10:48 a.m. and reconvened in open session at 11:08 a.m.**

**The Board convened in closed session at 11:09 a.m. to confer with legal counsel from the Office of the Attorney General regarding a settlement offer of pending litigation in the case *TBAE V. Powell, et al*, pursuant to Section 551.071, Texas Government Code.**

**The Board reconvened in an open meeting at 12:20 p.m.**

The Chair announced that the Board decided to consider the mediation of the case at its next meeting, scheduled to be held on October 24, 2013. The Chair instructed staff to prepare documentation regarding the mediation conference and brief the Board at that meeting.

**The Board took a break for lunch at 12:22 p.m. and reconvened at 1:00 p.m.**

By unanimous consent, the Chair took the Motion to adopt proposed amendments to rules 5.31 and 5.51 from the table and the Board resumed consideration of the Motion. At the Chair's direction, the staff distributed copies of House Bill 1717, (the agency's Sunset bill) for the Board to review before

taking a vote on the Motion. The Chair stated the Motion to adopt the proposed amendments is before the Board but there had been discussion, but no motion, to refer the proposed amendments to the Rules Committee.

Mr. Anastos stated that since he made the original motion after reading the information staff provided, he believed that by making changes they would be making a completely different rule requiring republication or making the rule vulnerable to legal challenge.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO CALL THE PREVIOUS QUESTION ON THE MOTION TO ADOPT PROPOSED AMENDMENTS TO RULES 5.31 AND 5.51. THE MOTION PASSED BY UNANIMOUS CONSENT.

THE CHAIR CALLED THE VOTE ON THE PREVIOUS MOTION (Anastos/Mijares) TO ADOPT PROPOSED AMENDMENTS TO RULES 5.31 AND 5.51. THE MOTION PASSED 5-1 (Odell opposed.)

The Chair directed the General Counsel to outline proposed amendments to Rule 7.10, the agency fee schedule. The General Counsel stated the original draft amendments included changes to the fee schedule to implement legislative changes lowering late fees, to increase business registration fees, and to provide notice of a convenience fee charged by a contractor to process online payments. The Board considered those draft amendments at its last meeting. The General Counsel stated that at that meeting, Ms. Dockery suggested that the fee schedule specify the amount of fees, including convenience fees, payable by each registration status to clarify the specific fee a person must pay depending upon his or her registration status. The General Counsel stated that the proposed fee schedule is the result of the original substantive changes and the reformatting to clarify the fee schedule. The convenience fee is specified for each charge as is the sum of each fee with its corresponding convenience fee. The General Counsel stated another change to the fee schedule implements legislative changes to late fees which will apply only to the portion of the registration fee which remains with the agency and not the \$200 additional charge which is transferred to the General Revenue Fund and the Permanent School Fund. In addition, an annual business registration fee needed a revision from \$30 to \$45. The amendments also correct two typographical errors.

The General Counsel reported that the proposed amendments were published for 30 days and the agency received no public comment regarding them.

A MOTION WAS MADE AND SECONDED (Mijares/Odell) TO ADOPT THE PROPOSED AMENDMENT TO RULE 7.10 AS PUBLISHED IN THE *TEXAS REGISTER*. THE MOTION PASSED UNANIMOUSLY.

The Chair directed the General Counsel to describe draft amendments to Rules 1.149, 3.149 and 5.158 regarding criminal history background checks. The General Counsel stated the draft amendments implement the fingerprint requirement imposed by the agency's Sunset bill. The amendments replace the pre-existing self-reporting requirement with the legislative mandated requirement that each applicant submit a set of fingerprints to the state contract vendor for a criminal history check. The amendment is effective January 1, 2014. The amendments also require current registrants to undergo a fingerprint check prior to their next renewal. The amendments allow the agency's Executive Director to contact an applicant or registrant regarding any criminal conviction, other than a minor traffic offense, that is revealed as a result of a criminal history background check. The amendments allow the applicant or registrant 30 days to respond to the Executive Director's request. The General Counsel stated the amendments revoke a requirement that applicants and registrants contact the Board within 30 days after a conviction because under the new fingerprint process, the Board will receive notice from the vendor.

A MOTION WAS MADE AND SECONDED (Edwards/Bearden) TO PROPOSE AMENDMENTS TO RULES 1.149/3.149 AND 5.158 TO IMPLEMENT RECENT LEGISLATION MANDATING CRIMINAL BACKGROUND CHECKS BASED ON FINGERPRINTING.

The Chair asked if the law mandates fingerprinting for all registrants and applicants by January 1, 2014.

The Executive Director stated the requirement begins on January 1, 2014, and after that date, each registrant must be fingerprinted in order to become registered. The deadline is not January 1<sup>st</sup> but after that date submission of fingerprints is a prerequisite to renewing registration.

The Managing Investigator gave an explanation of the process that fingerprinting will entail when the program is to be implemented on January 1, 2014. He reported that fingerprinting will take place in 85 locations in the state.

Mr. Edwards suggested that the Board amend the rule to include language that this is only a one time process for renewals. The General Counsel stated that with the Board's approval he will amend the draft amendments to include a provision from the bill which states that a registrant is not required to submit another set of fingerprints after submitting a set as an applicant or as a prerequisite to an earlier renewal. By unanimous consent, the Board amended the draft Motion accordingly.

There were no further questions or discussion. The Chair called for the vote on the Motion to propose the amendments as amended. THE MOTION TO PROPOSE THE DRAFT AMENDMENTS TO RULES 1.149/3.149/5.158 AS AMENDED PASSED UNANIMOUSLY.

**6. Report on conferences and meetings**

- A. NCARB Annual Meeting, June 19-22, San Diego, CA
- B. Building Officials Association of Texas (BOAT) Annual Conference August 6-7, Waco
- C. METROCON13 Expo & Conference, August 15-16, Dallas, TX

Mr. Mijares reported on the NCARB Annual Meeting in San Diego. He stated he participated in a panel discussion regarding the University of Minnesota School of Architecture. He stated there is an effort to compress the time it takes to get registered, including the requirement that 5<sup>th</sup> year seniors take the registration examination. He stated he would be very interested to learn how it worked, how it was implemented and whether it was successful. The Chair stated he had heard something about that as well and thought it might have been a post-graduate program requirement. Mr. Mijares also stated that the Chair (Alfred Vidaurri) was presented with a crown, scepter and a cape as Chair of NCARB Region III which is the largest of the regions in the country. He congratulated the Chair on his "coronation." The Chair thanked him.

The Chair reported that NCARB is now in its second year of a new CEO. NCARB has gone through a lot of restructuring, reduction of costs of committees, and noted most committees now meet only once per year. The new CEO has implemented a lot of change.

Mr. Mijares reported that the regional meeting will be in San Antonio from March 6-8, 2014. It is a regional meeting with all regions meeting with Region III so all regions will be in Texas.

The Managing Investigator reported on the BOAT Annual Conference in Waco and stated that he made a presentation to building officials and he and the General Counsel manned a TBAE booth for three days. He noted it was part of the agency's effort to fulfill the Board's direction to increase outreach to building officials. He noted the agency also had revamped its building official Web page to that end. He said that they gave the building officials an overview of enforcement cases in order for them to identify and refer enforcement issues to the agency. In addition, he stated representatives from the City of San Antonio and the City of Dallas expressed a desire to have TBAE make a presentation to staff of the plan reviewing and permitting offices in those cities.

The Executive Director reported on METROCON13 EXPO in Dallas and stated that they gave two presentations: (1) on legislative changes, including criminal history background checks and (2) on continuing education matters. She reported that more than 200 people visited the

TBAE booth. She also reported that she received invitations to make presentations to other groups.

**7. CLARB Proposed Bylaws Revisions – 2013 Relating to Examination Administration**

The Executive Director stated that these proposed bylaws were housekeeping issues to update the bylaws to reflect current examination processes.

1. Proposed change #1 deletes references to examinations administered by member boards. No member board administers the CLARB examination any more.
2. Proposed change #2 deletes references to the grading of the examination among the duties of the Examination Committee. Examinations are no longer graded by the Committee or any other individual.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO DIRECT TBAE DELEGATES TO VOTE IN FAVOR OF THE RESOLUTIONS AT THE CLARB MEETING. THE MOTION PASSED UNANIMOUSLY.

**8. Updated Mutual Recognition Agreement between NCARB + Canadian Architectural Licensing Authorities (CALA) – Request to Sign Letter of Undertaking to NCARB – CALA**

The Chair gave the background on the Mutual Recognition Agreement between the Canadian Architectural Licensing Authorities and NCARB and the request that member boards agree to the Letter of Undertaking. In 1994, there was recognition between NCARB and CALA that there were similar education and internship requirements in Canada and the United States and the use of the NCARB Architectural Registration Examination to justify an inter-recognition agreement between CALA and NCARB. The Chair reported that until recently, Canadians took the same exam as the U.S. architects (the ARE). However, over the years, Canada has implemented changes to its internship program and developed a Canadian registration examination. These changes necessitated updates and modifications to the 1994 agreement.

The Chair stated NCARB and CALA have been working on a resolution for 3 years. All 11 Canadian jurisdictions have approved of the new Mutual Recognition Agreement in principal and at NCARB the vote among the jurisdictions was 47-3 this summer. Three jurisdictions could not vote in favor of it under their laws.

In order to fully implement the agreement, a majority of the jurisdictions have to sign a letter of undertaking agreeing to be bound by it. The Chair outlined the

Mutual Recognition Agreement as requiring the following in order for an architect from the other country to become registered in a signatory jurisdiction:

- A letter of registration or licensure in good standing;
- 2000 hours of post-licensure experience;
- Proof of citizenship or permanent residency in her/his home state; and
- NCARB certification.

The Chair reported that he requested that the letter go before the Board for approval before signing the Letter of Undertaking.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE REVISED AGREEMENT AND FOR THE CHAIR TO SIGN THE LETTER OF UNDERTAKING ON BEHALF OF THE BOARD, AGREEING TO COMPLY WITH THE MUTUAL RECOGNITION AGREEMENT. THE MOTION PASSED UNANIMOUSLY.

## **9. Enforcement Cases**

**Review and possibly adopt the ED's recommendation in the following enforcement cases:** The Executive Director's recommendations are to resolve the following cases in accordance with proposed settlement agreements reached with the Respondents. The Chair recognized the General Counsel to present the enforcement cases.

### **A. Registrant & Non-Registrant Cases:**

**Garrison, Michael (#168-13N)** – The General Counsel reported that the case had not been settled prior to the Board meeting and requested that the Board disregard this item on the agenda.

**Jacobs, Anton (#047-10A)** – The General Counsel made a presentation to the Board on this case and stated that the registrant had signed an agreed order to pay the Board an administrative penalty of \$6,000.00 for practicing architecture while his license was delinquent.

**Mercadillo, Eduardo (#046-13N)** – The General Counsel made a presentation to the Board on this case and stated that the registrant had signed an agreed order to pay the Board an administrative penalty of \$600.00 for using the title "architect" on a business card.

A MOTION WAS MADE AND SECONDED (Mijares/Edwards) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION AND ADMINISTRATIVE PENALTY IN CASE NUMBER 047-10A AND CASE NUMBER 046-13N. THE MOTION PASSED UNANIMOUSLY.

### **Taniguchi, Evan (#176-13A)**

The General Counsel stated the registrant had signed an agreed order to pay an administrative penalty of \$1,000.00 for affixing his architectural seal to a construction document not prepared by him. Mr. Anastos inquired about the propriety of a penalty under the circumstances of the

case. He believes the architect is in compliance and is not breaking TBAE's rules. The architect was requested to review the plans for the project after they had been rejected by the City of Austin. The plans had been prepared by a person who had been an architect, but is no longer an architect. The Managing Investigator approached the Board and gave them the background on the case and explained how the registrant broke our rules. The Managing Investigator stated respondent's plans were identical to the set prepared by the original designer, except dimensions had been added. The Respondent may add to plans prepared by another and may affix his seal to plans prepared by another but he must clearly identify the portion of the plans he prepared and must note that his seal applies only to those portions. Respondent neglected to include that notation to the plans and specifications.

A MOTION WAS MADE AND SECONDED (Mijares/Davis) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION FOR a \$1,000.00 ADMINISTRATIVE PENALTY.

MR. MIJARES WITHDREW HIS MOTION. He stated that he wanted to hear the companion case against Respondent Michael Garrison, the original designer of the project, at the next board meeting.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO POSTPONE CONSIDERATION OF THE CASE UNTIL THE NEXT BOARD MEETING. THE MOTION PASSED UNANIMOUSLY.

**B. Continuing Education Cases:**

The General Counsel outlined the cases on the agenda. For continuing education cases, the Executive Director's proposed agreed orders include a standard penalty of \$700 for misstatements to the Board, \$500 for failing to complete required continuing education, and \$250 for failing to timely respond to an inquiry of the Board.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENTS IN THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:

Bengston, Gary (#145-13A)  
Cash, Cynthia C. (#086-13L)  
Chaloupka, Merridee (#125-13I)  
Davy, Siobhan (#137-13I)  
Goertz, Michael (#178-13A)  
Hensley, R. Don (#180-13A)  
Hickman, Keith A. (#179-13A)  
Lambdin, Wayne (#136-13A)  
Lambert, Charles R. (#175-13A)

Noack, Elizabeth E. (#163-13I)  
Parker, Timothy K. (#172-13A)  
Phillips, L. Forrest (#187-13A)  
THE MOTION PASSED UNANIMOUSLY.

The Chair announced that he would like for the Board to take up the next two items together.

**10. Approval of the Proposed 2014 Board Meeting Dates**

The Board changed the date for the meeting scheduled for Thursday, February 6, 2014 to Thursday, February 13, 2014

Thursday, May 22, 2014

Thursday, August 21, 2014

Thursday, October 23, 2014

The Board changed the proposed meeting date on October 23, 2014 to October 16, 2014 or October 30, 2014 depending on room availability.

**11. Upcoming Board Meeting**

October 24, 2013

**The Board took a break at 2:20 p.m. and reconvened in open meeting at 2:30 to go into closed session pursuant to Section 551.074, Government Code, to deliberate on personnel matters.**

**12. Executive Director Performance Review Report**

A. Executive Director's presentation regarding annual performance evaluation

B. Executive Committee report on findings based on annual performance evaluation

C. Full Board adoption of the ED's 2014 performance objectives

D. Full Board adoption of the ED's Executive Development Plan

**The Board reconvened in open meeting at 4:05pm.**

The Chair announced that the Board had not completed the performance evaluation of the Executive Director. The Board will deliberate upon the goals for the Executive Director during the next Board meeting, scheduled for October.

**13. Chair's Closing Remarks**

The Chair stated that the Board has come to a conclusion. He thanked the members for their service.

**14. Adjournment**

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ADJOURN THE MEETING AT 4:09 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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ALFRED VIDAURRI, JR., AIA, NCARB, AICP  
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

**TEXAS BOARD OF  
ARCHITECTURAL EXAMINERS  
FISCAL YEAR 2013 BUDGET**

<b>Total Beginning Fund Balance</b>
<b>Revenues:</b>
Licenses & Fees
Enforcement Penalties
Late Fee Payments
Other
Interest
<b>Draw on Fund Balance</b>
<b>Total Revenues</b>
<b>Expenditures:</b>
Salaries and Wages
Payroll Related Costs
Professional Fees & Services
Travel
Board Travel
Staff Travel
Office Supplies
Postage
Communication and Utilities
Repairs and Maintenance
Office Rental and Equipment Leases
Printing
Operating Expenditures
Conference Registration Fees
Membership Dues
Fees for Receiving Electronic Payments
Staff Training
SWCAP Payment
Payment to GR
<b>Exceptional Items: IT Upgrades in 2013</b>
<b>Total Expenditures</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>

<b>FY 2013 Approved Budget</b>
<b>2,169,569.00</b>
2,510,000.00
75,000.00
215,000.00
5,000.00
7,500.00
<b>166,635.00</b>
<b>2,979,135.00</b>
1,523,700.00
392,220.00
35,060.00
37,000.00
28,000.00
15,000.00
15,000.00
17,500.00
1,500.00
60,910.00
7,000.00
55,000.00
7,000.00
21,000.00
108,000.00
23,000.00
76,610.00
510,000.00
<b>45,635.00</b>
<b>2,979,135.00</b>
-

<b>FY 2013 Actual Rev. and Exp. Sep 1, 2012- -Aug 31, 2013</b>
2,394,094.00
67,977.00
219,528.00
2,385.00
2,885.00
-
<b>2,686,869.00</b>
1,330,598.00
369,023.00
37,390.00
31,224.00
18,577.00
14,977.00
14,754.00
17,380.00
991.00
48,251.00
6,678.00
54,570.00
7,000.00
20,095.00
109,545.00
11,271.00
68,939.00
510,000.00
33,036.00
<b>2,704,299.00</b>
<b>(17,430.00)</b>

<b>FY 2013 Actual Rev. Earned &amp; Exp. as a Percentage</b>
95.38%
90.64%
102.11%
47.70%
38.47%
<b>90.19%</b>
87.33%
94.09%
106.65%
84.39%
66.35%
99.85%
98.36%
99.31%
66.07%
79.22%
95.40%
99.22%
100.00%
95.69%
101.43%
49.00%
89.99%
100.00%
72.39%
<b>90.77%</b>

<b>* Funding for 6 months</b>
<b>Ending Fund Balance</b>

<b>1,489,567.50</b>
<b>680,001.50</b>



**TEXAS BOARD OF ARCHITECTURAL  
EXAMINERS FISCAL YEAR 2013 BUDGET  
SCHOLARSHIP FUND**

<b>Operating Fund Beginning Fund Balance:</b>
<b>Adjusted Beginning Balance</b>
<b>Scholarship Fund Beginning Balance</b>
<b>Total Beginning Scholarship Fund Balance</b>
<b>Expenditures:</b>
Operating Expenditures-Scholarship Payments
<b>Total Expenditures</b>
<b>Excess/(Deficiency) of Rev. over Exp.</b>

<b>FY 2013 Budget</b>
-
-
165,377.64
165,377.64
165,377.64

<b>FY 2013 Actual Expenditures Sept 1, 2012---Aug. 31, 2013</b>
-
-
165,446.44
165,446.44
25,500.00
25,500.00
139,946.44

<b>FY 2013 Remaining Budget</b>
139,946.44
-
139,946.44
-
-
-

<b>Ending Fund Balance</b>
----------------------------

165,377.64
------------

139,946.44
------------

139,946.44
------------

Number of Scholarships Awarded

51

Frequency per Fiscal Year----January 31, May 31, and September 30

## Texas Board of Architectural Examiners - Fiscal Year 2014 Budget (with servers)

	FY 2014 Approved Budget	FY 2014 Actual Rev. and Exp. Sept 1, 2013--- Dec. 31, 2013	FY 2014 Actual Rev. Earned & Exp. as a Percentage
<b>Total Beginning Fund Balance</b>	<b>2,152,139.00</b>		
<b>Revenues:</b>			
Licenses & Fees	2,455,356.00	858,421.00	34.96%
Business Registration Fees	67,500.00	10,485.00	15.53%
Late Fee Payments	75,000.00	37,728.00	50.30%
Other	1,000.00	1,180.00	118.00%
Interest	2,500.00	275.00	11.00%
<b>Potential Draw on Fund Balance</b>	<b>105,458.00</b>		
<b>Total Revenues</b>	<b>2,706,814.00</b>	<b>908,089.00</b>	<b>33.55%</b>
<b>Expenditures:</b>			
Salaries and Wages	1,394,330.00	427,638.00	30.67%
Payroll Related Costs	383,310.00	132,572.00	34.59%
Professional Fees & Services	40,000.00	5,821.00	14.55%
Travel			
Board Travel	30,000.00	4,418.00	14.73%
Staff Travel	23,000.00	8,274.00	35.97%
Office Supplies	15,000.00	5,333.00	35.55%
Postage	15,000.00	10,527.00	70.18%
Communication and Utilities	15,000.00	4,314.00	28.76%
Repairs and Maintenance	1,000.00	90.00	9.00%
Office Rental and Equipment Leases	60,910.00	20,302.00	33.33%
Printing	7,000.00	6,899.00	98.56%
Operating Expenditures	55,000.00	21,917.00	39.85%
Conference Registration Fees	7,000.00	468.00	6.69%
Membership Dues	21,000.00	8,610.00	41.00%
Credit Card Fees---Sep. only	9,000.00	9,311.00	103.46%
Staff Training	10,000.00	468.00	4.68%
SWCAP Payment	68,939.00	17,119.00	24.83%
Payment to GR	510,000.00	169,830.00	33.30%
<b>IT Upgrades in 2014 with Servers</b>	<b>41,325.00</b>	<b>1,878.00</b>	<b>4.54%</b>
<b>Total Expenditures</b>	<b>2,706,814.00</b>	<b>855,789.00</b>	<b>31.62%</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>	<b>-</b>	<b>52,300.00</b>	
<b>* Funding for 6 months</b>	<b>1,353,407.00</b>		
<b>Ending Fund Balance</b>	<b>798,732.00</b>		

**TEXAS BOARD OF ARCHITECTURAL  
EXAMINERS FISCAL YEAR 2014 BUDGET  
SCHOLARSHIP FUND**

<b>Operating Fund Beginning Fund Balance:</b>
<b>Adjusted Beginning Balance</b>
<b>Scholarship Fund Beginning Balance</b>
<b>Total Beginning Scholarship Fund Balance</b>
<b>Expenditures:</b>
Operating Expenditures-Scholarship Payments
<b>Total Expenditures</b>
<b>Excess/(Deficiency) of Rev. over Exp.</b>

<b>FY 2014 Budget</b>
-
-
139,946.44
139,946.44
139,946.44

<b>FY 2014 Actual Expenditures Sept 1, 2013---Dec. 31, 2013</b>
-
-
139,946.44
139,946.44
8,000.00
8,000.00
131,946.44

<b>FY 2014 Remaining Budget</b>
131,946.44
-
131,946.44
-
-
-

<b>Ending Fund Balance</b>
----------------------------

139,946.44
------------

131,946.44
------------

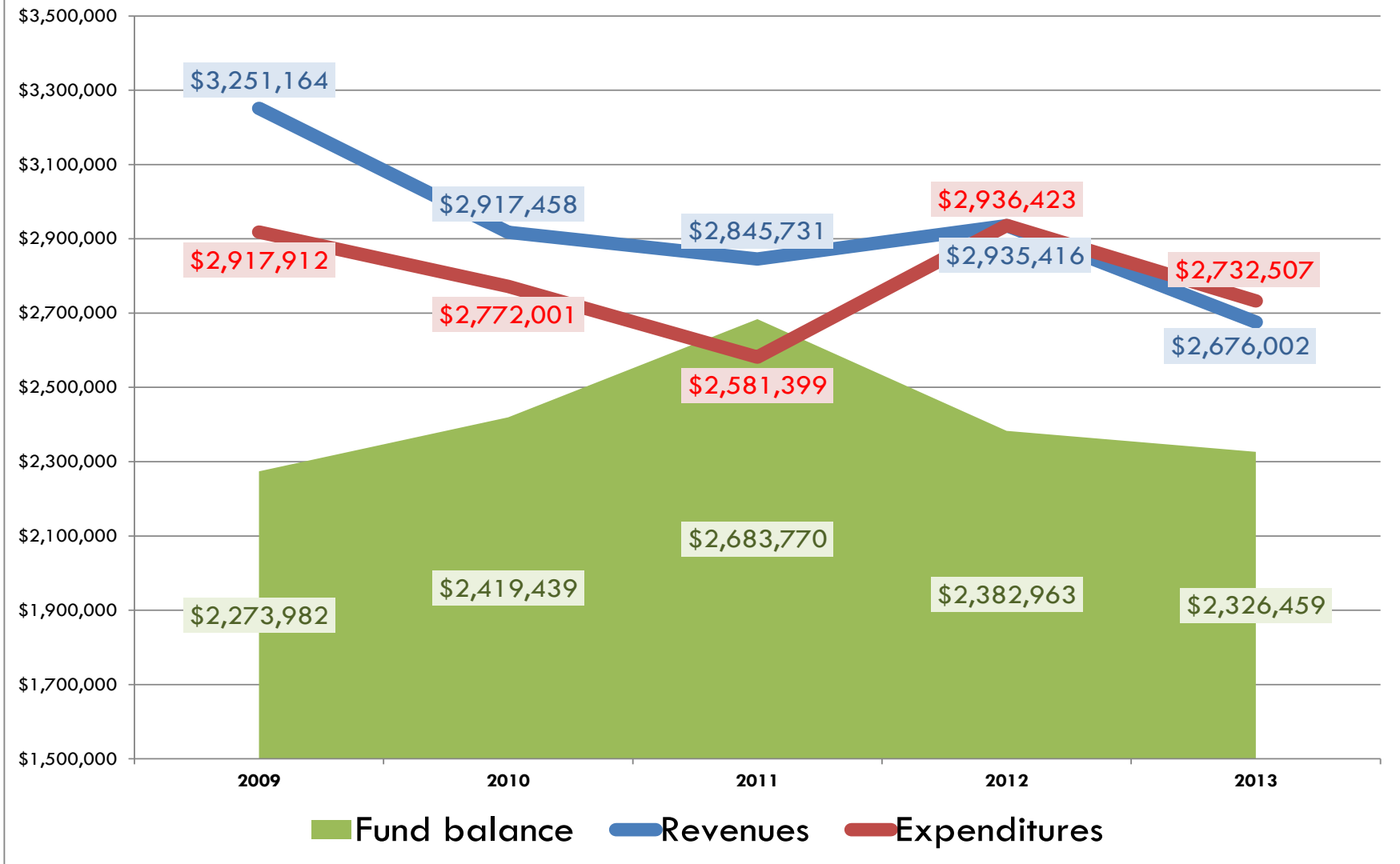
131,946.44
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Number of Scholarships Awarded

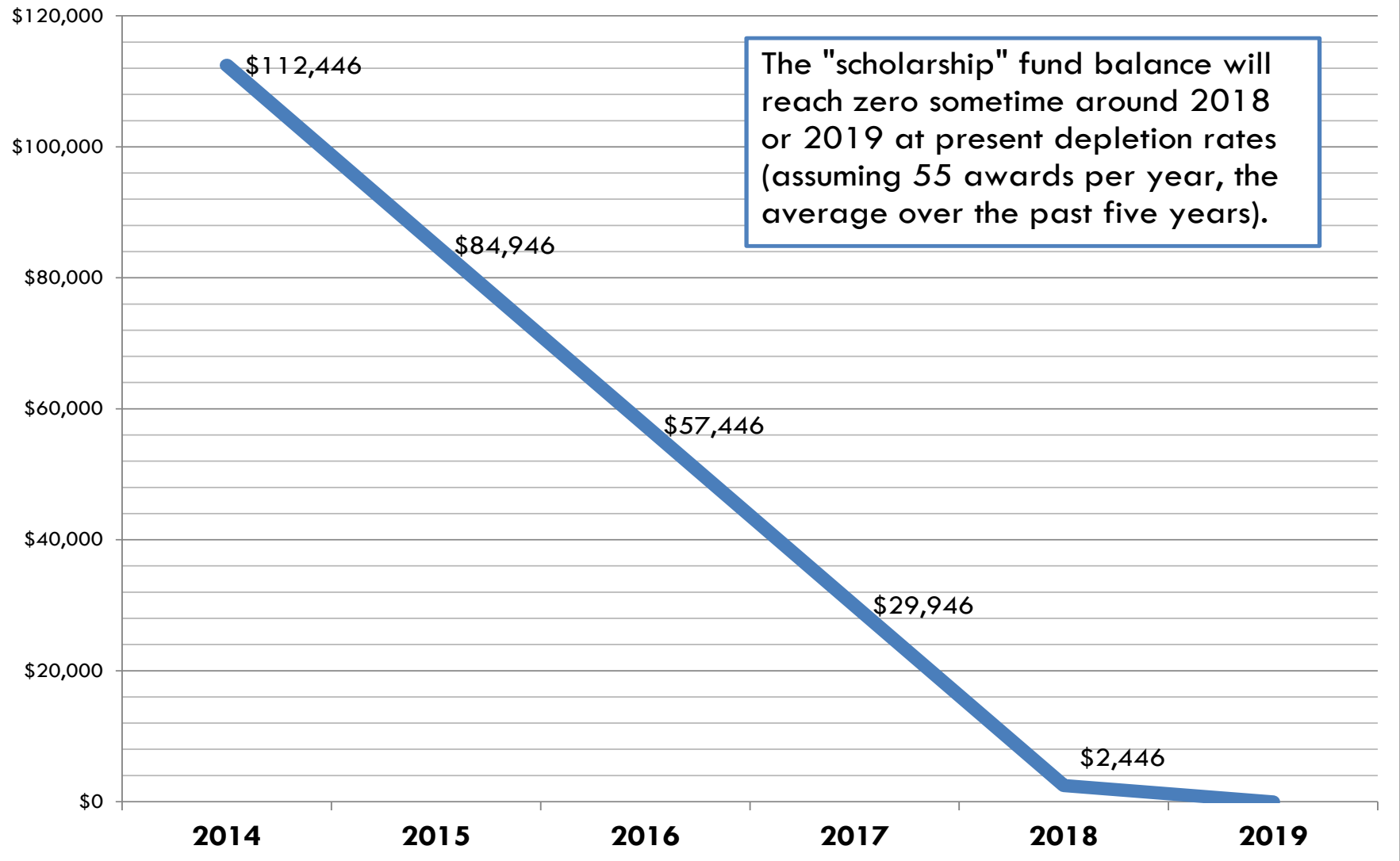
16

Frequency per Fiscal Year----January 31, May 31, and September 30

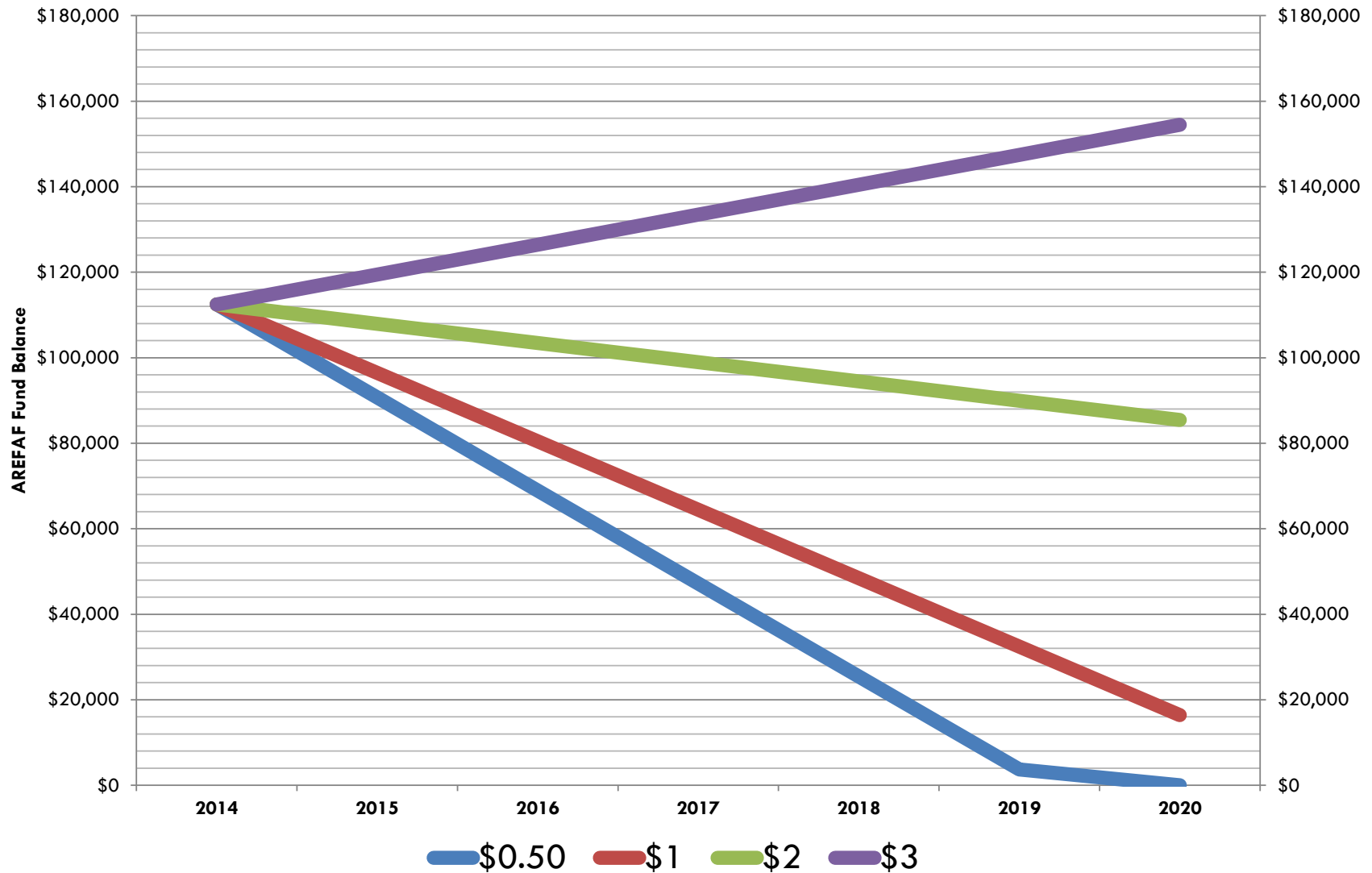
## Revenues, Expenditures, Fund Balance by FY



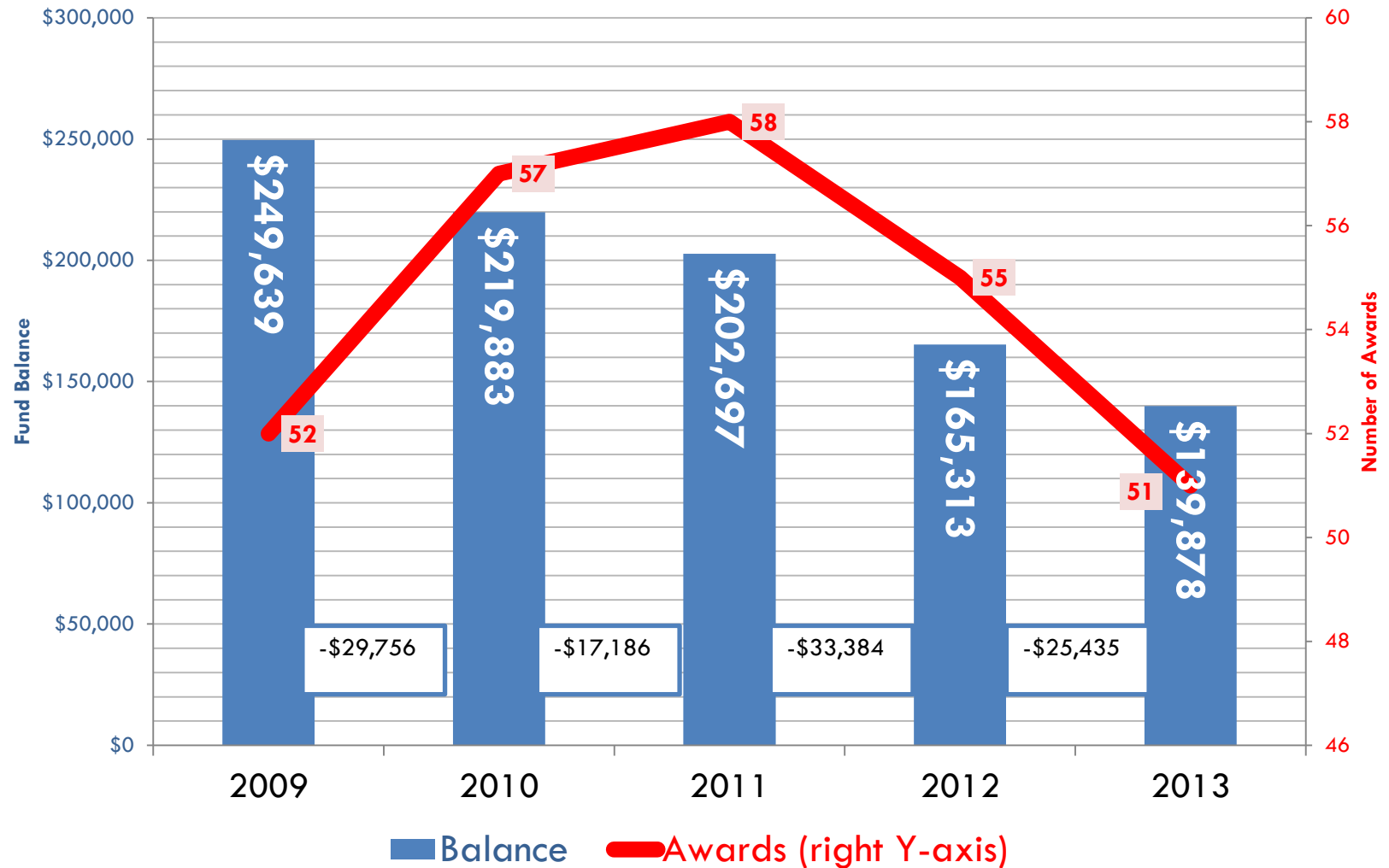
## AREFAF Fund Depletion Projection



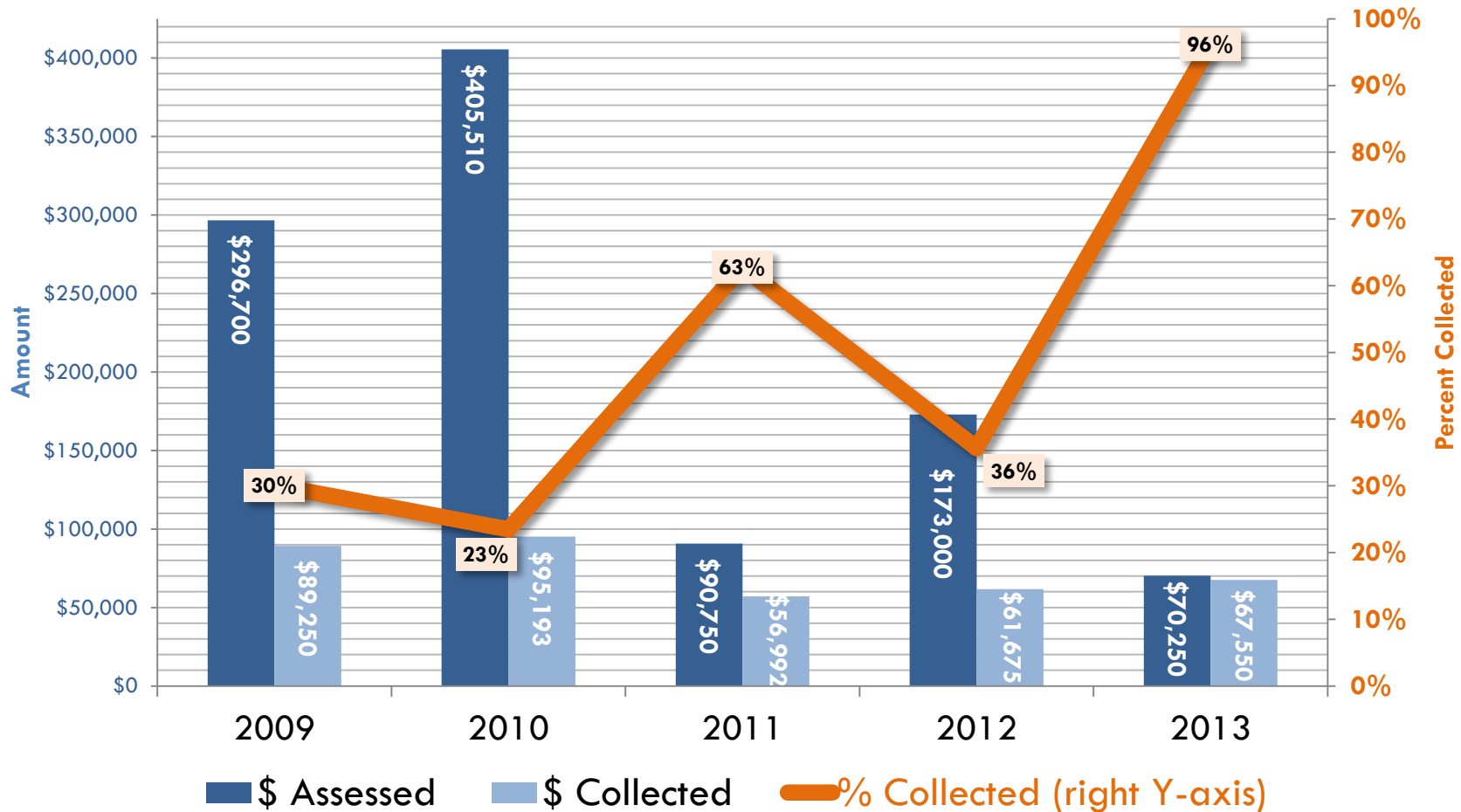
### Projections: Reinstating the AREFAF Surcharge on Active Architects (four surcharge amounts shown for context)



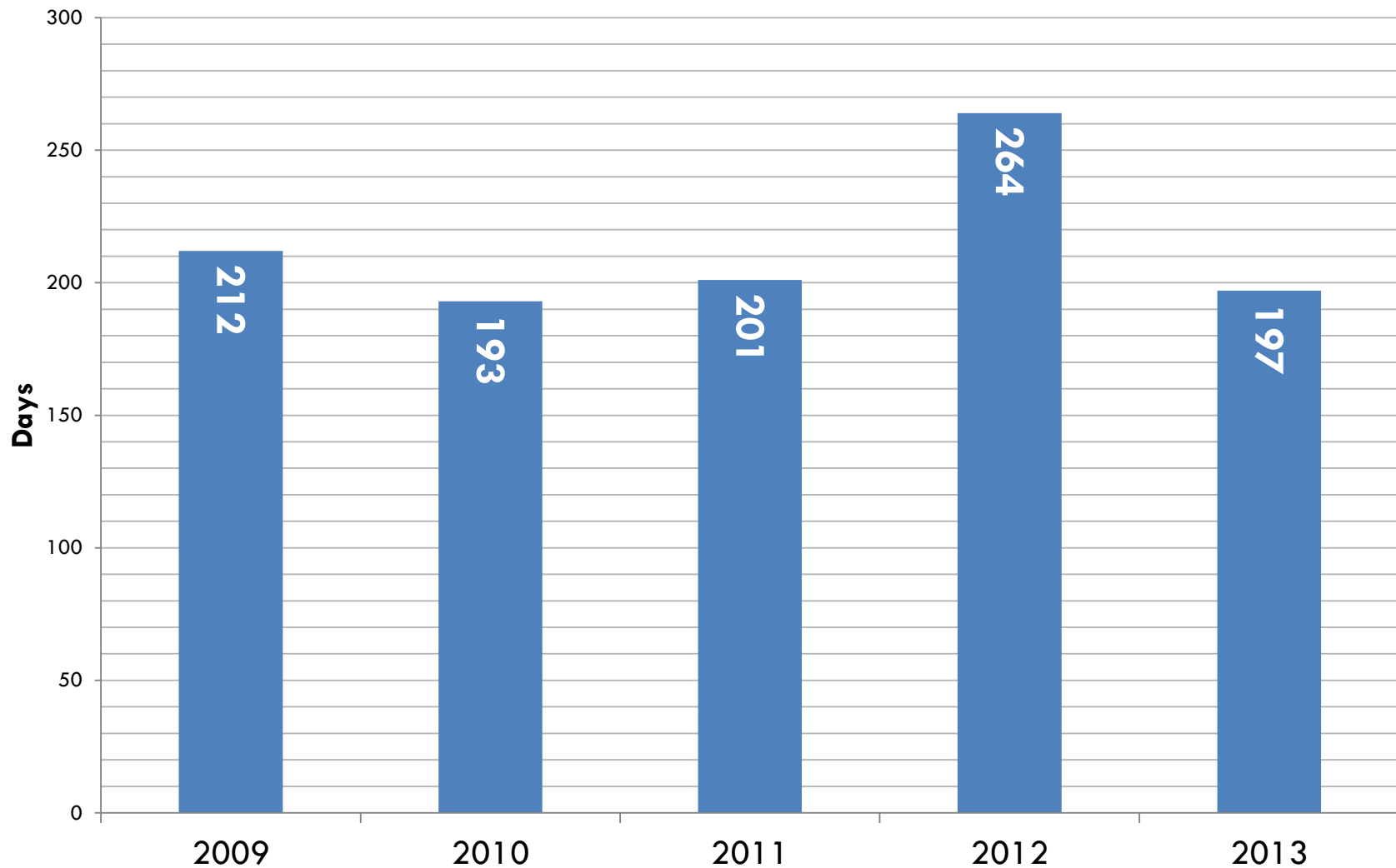
# Scholarship Fund by FY



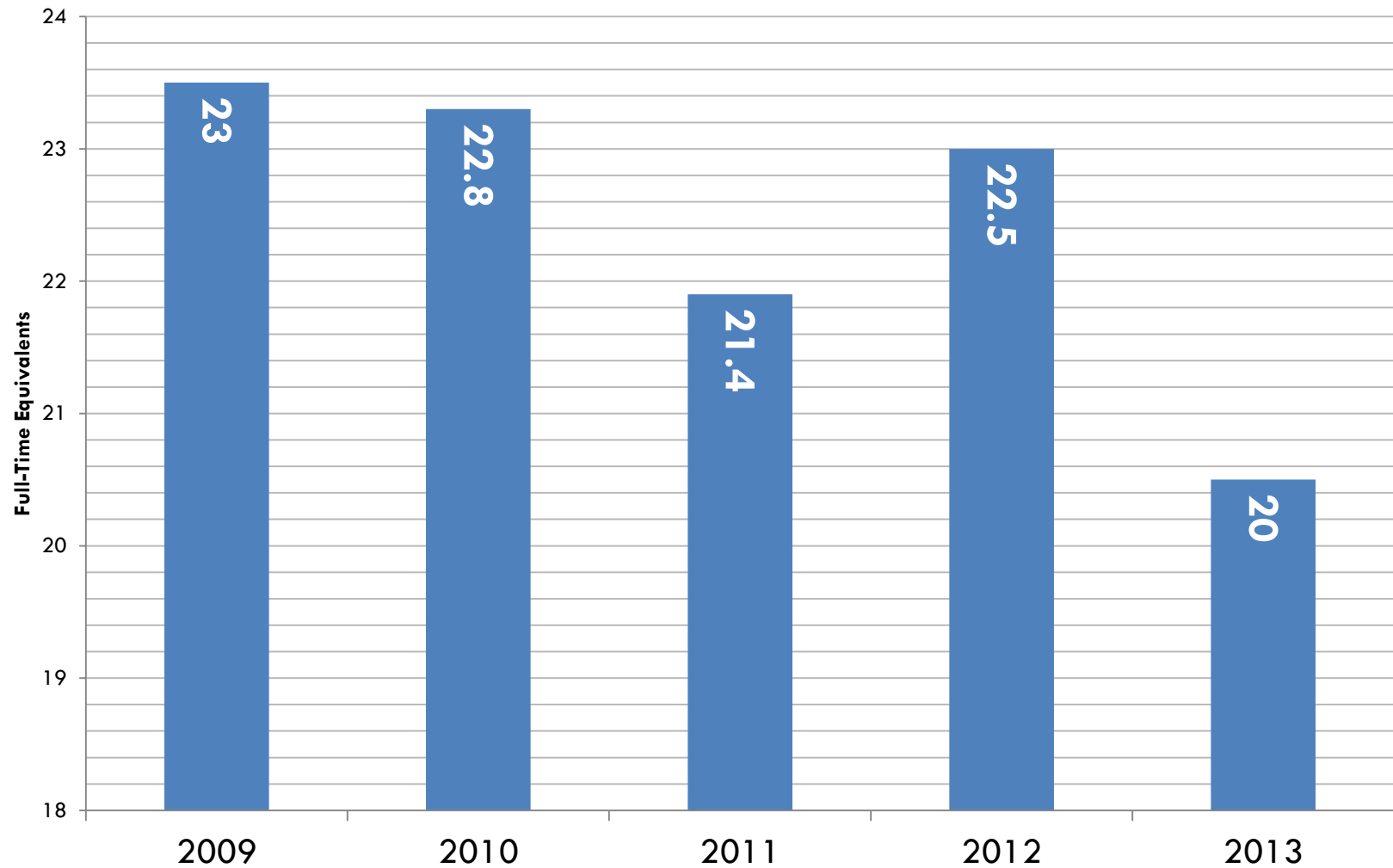
# Penalties Assessed and Collected by FY



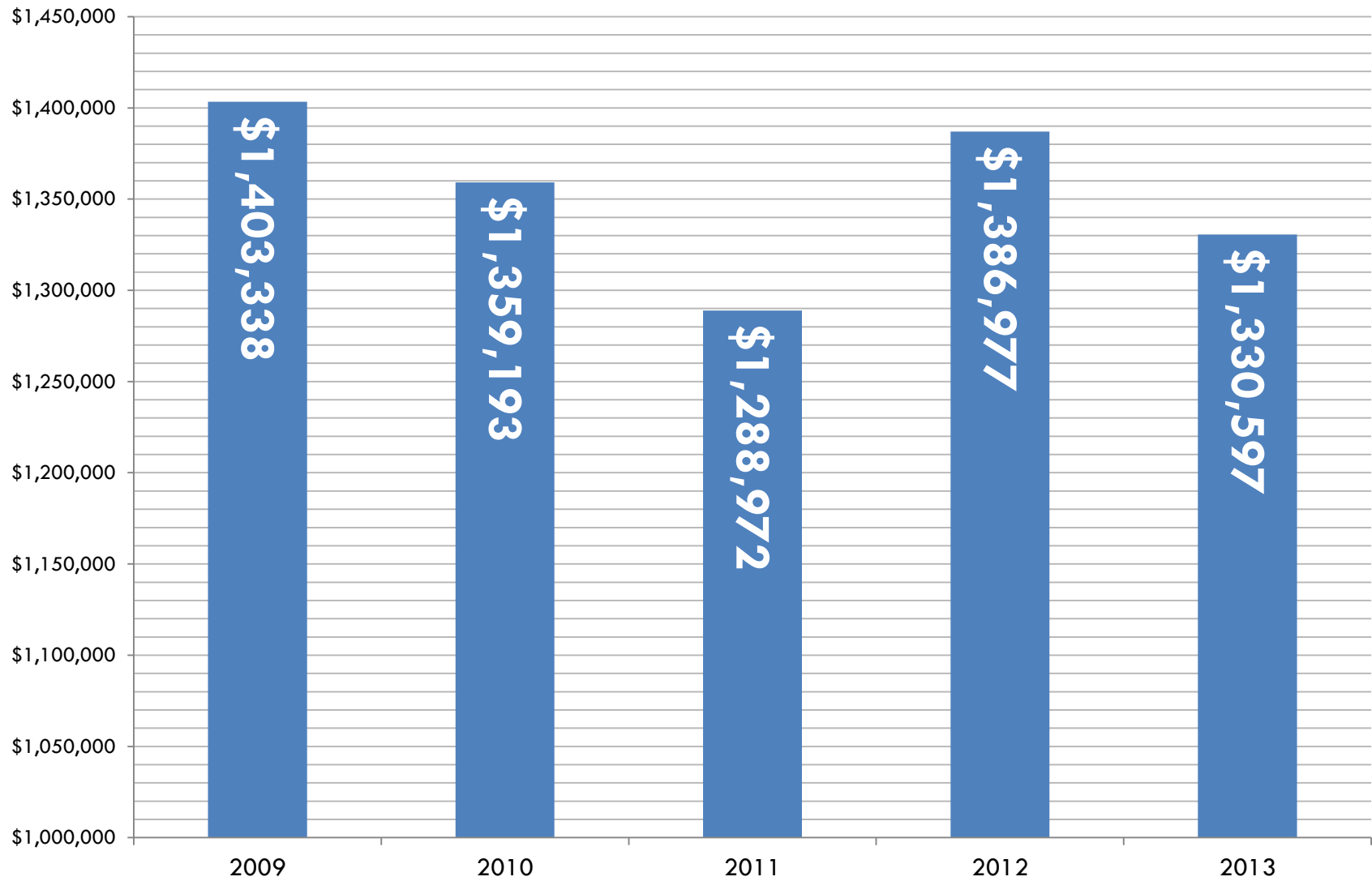
## Average Time to Resolve a Complaint



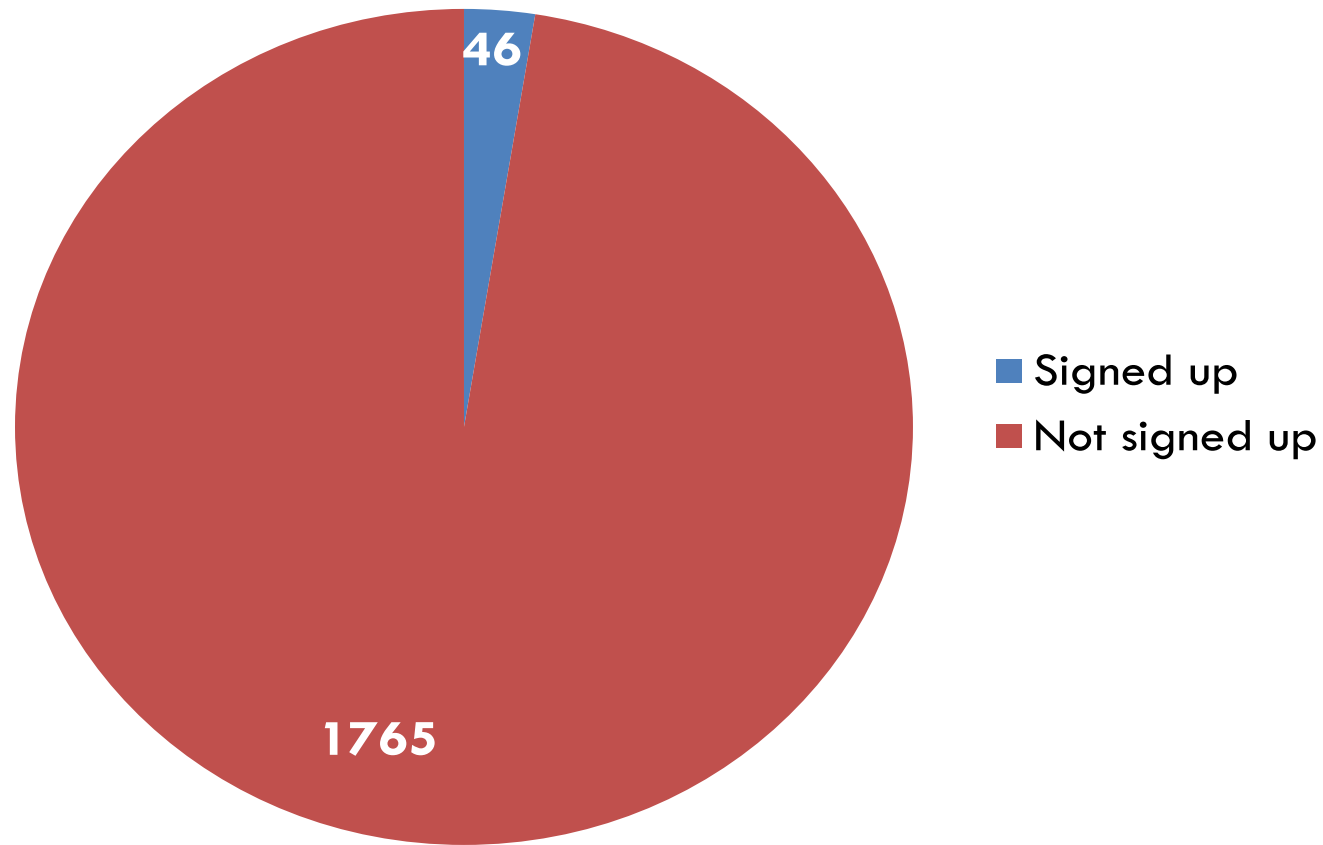
## Full-Time Equivalents by FY



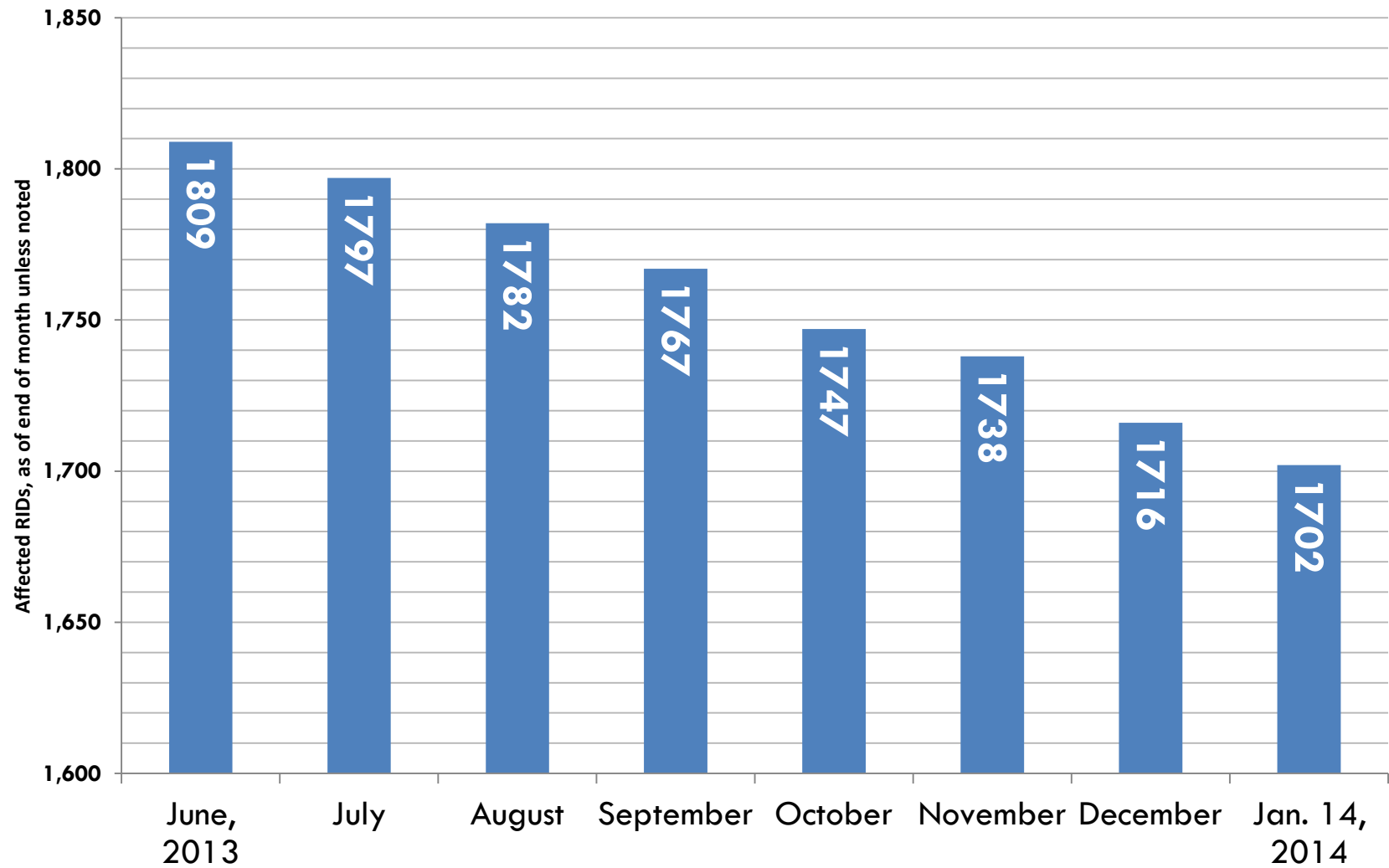
**Staff Salary (Total) by FY**



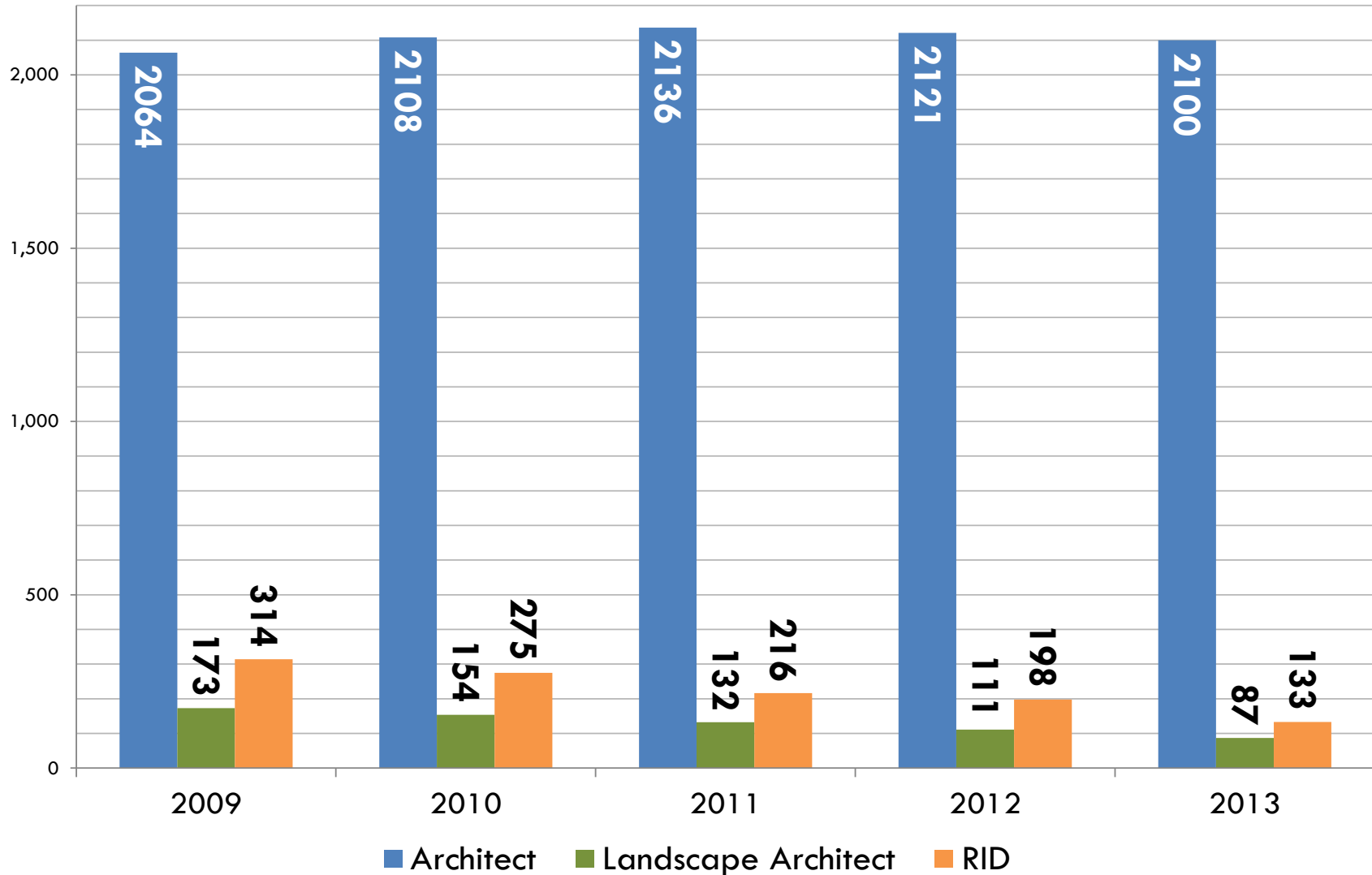
**In the Summer of 2013, TBAE invited 1,811  
"Affected RIDs" to sign up for the NCIDQ exam.  
What were the results?**



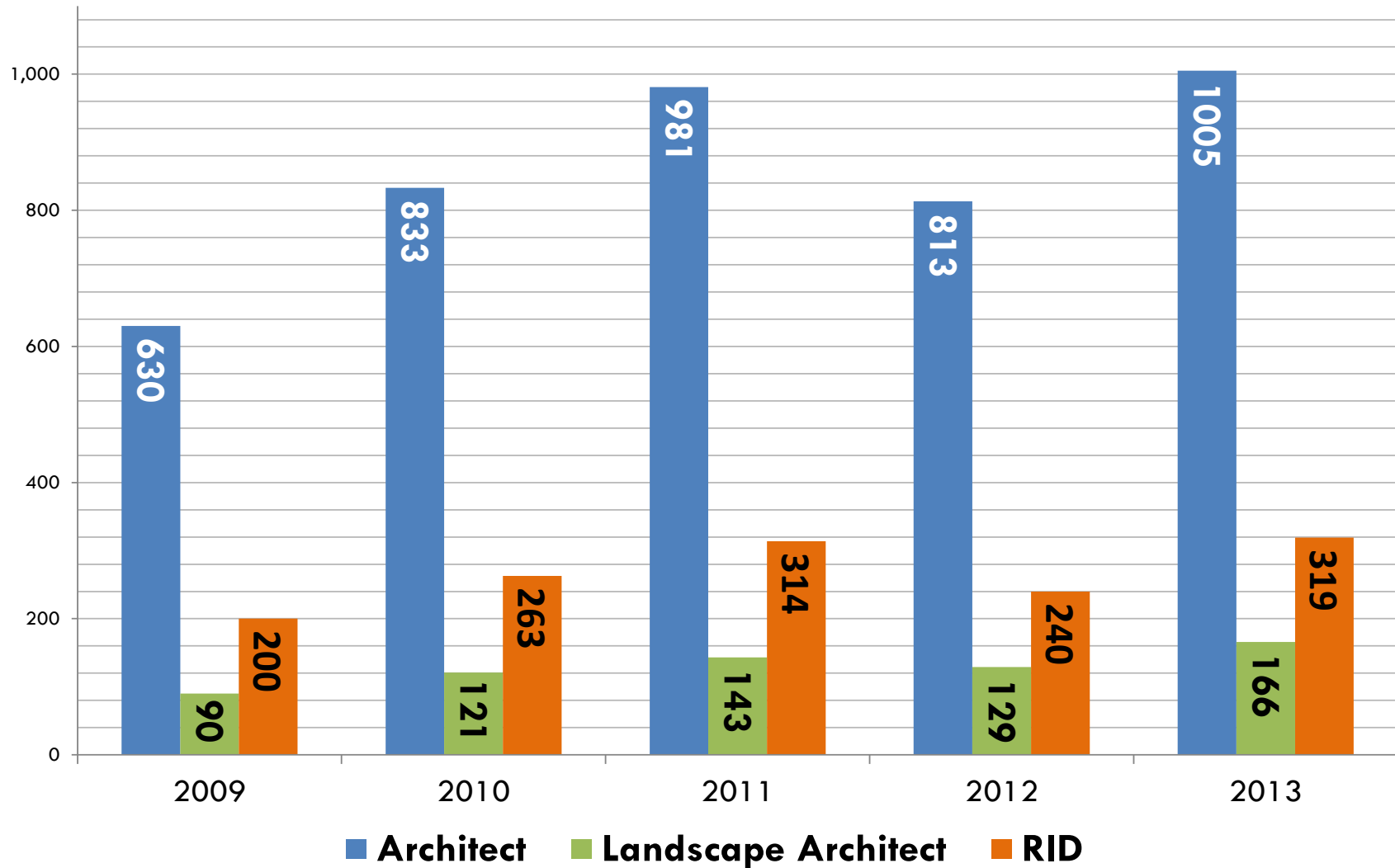
## RID attrition since HB 1717



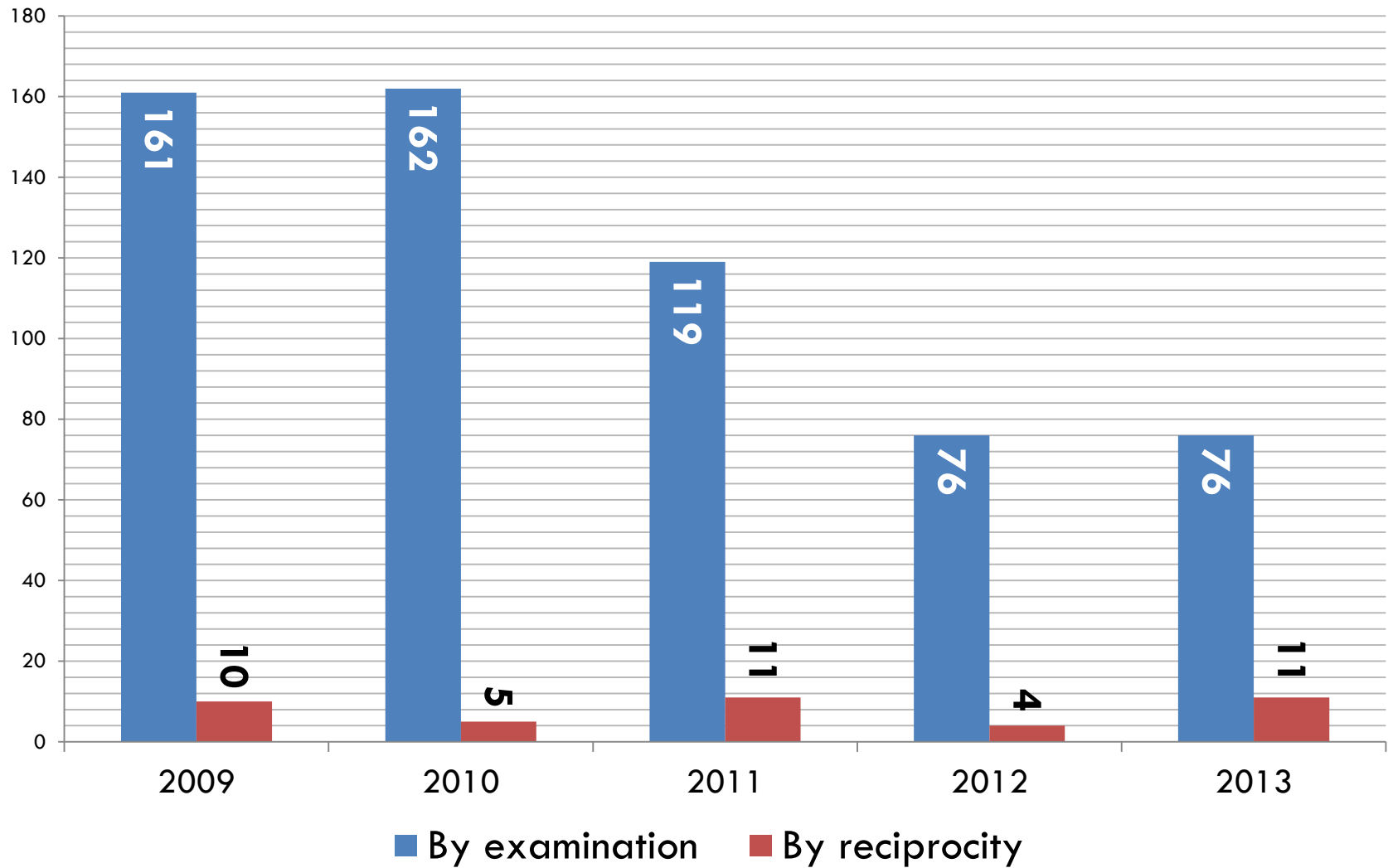
## Open Exam Candidates by Profession by FY



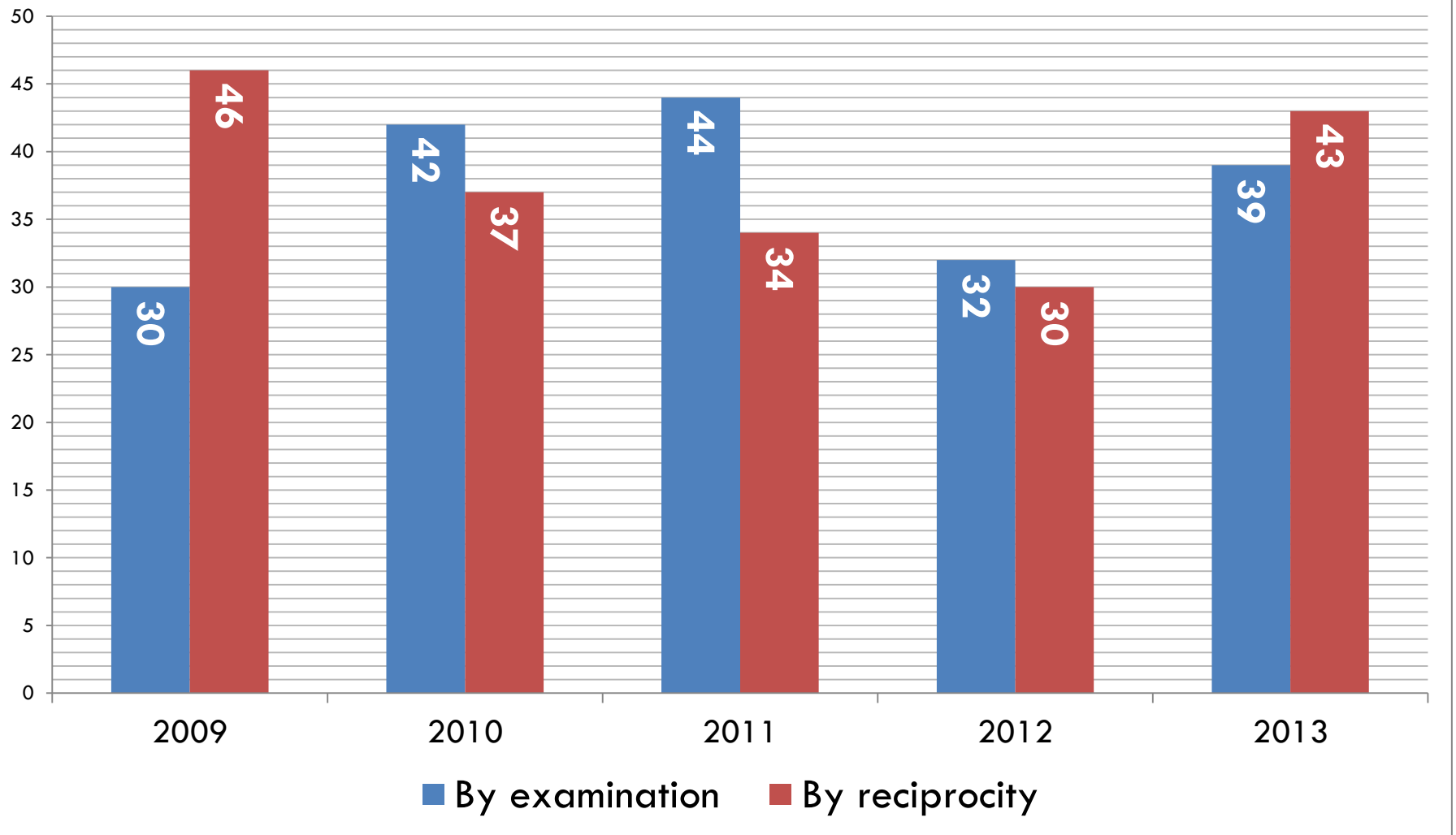
# Closed Exam Candidates by Fiscal Year



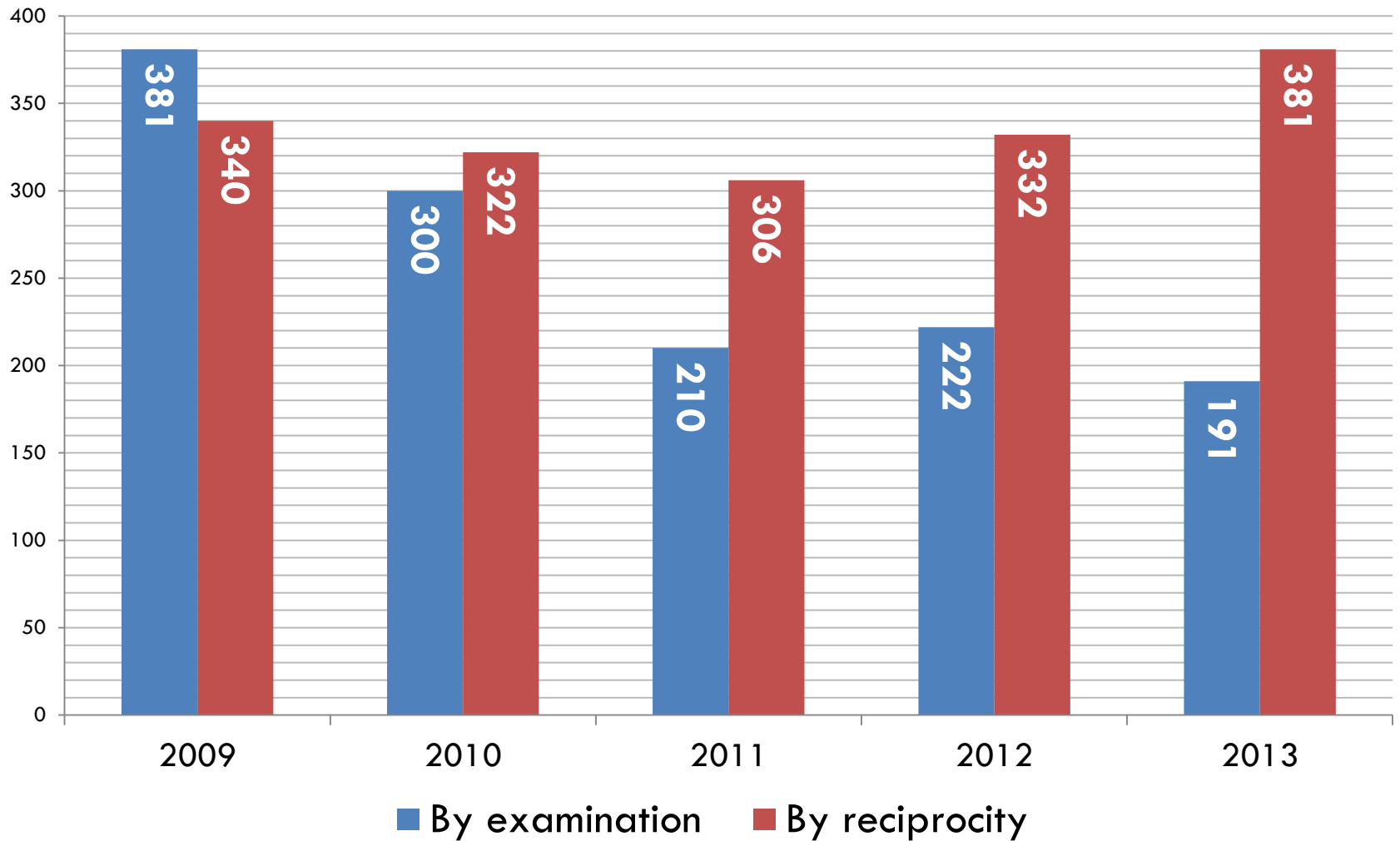
## New RIDs by FY



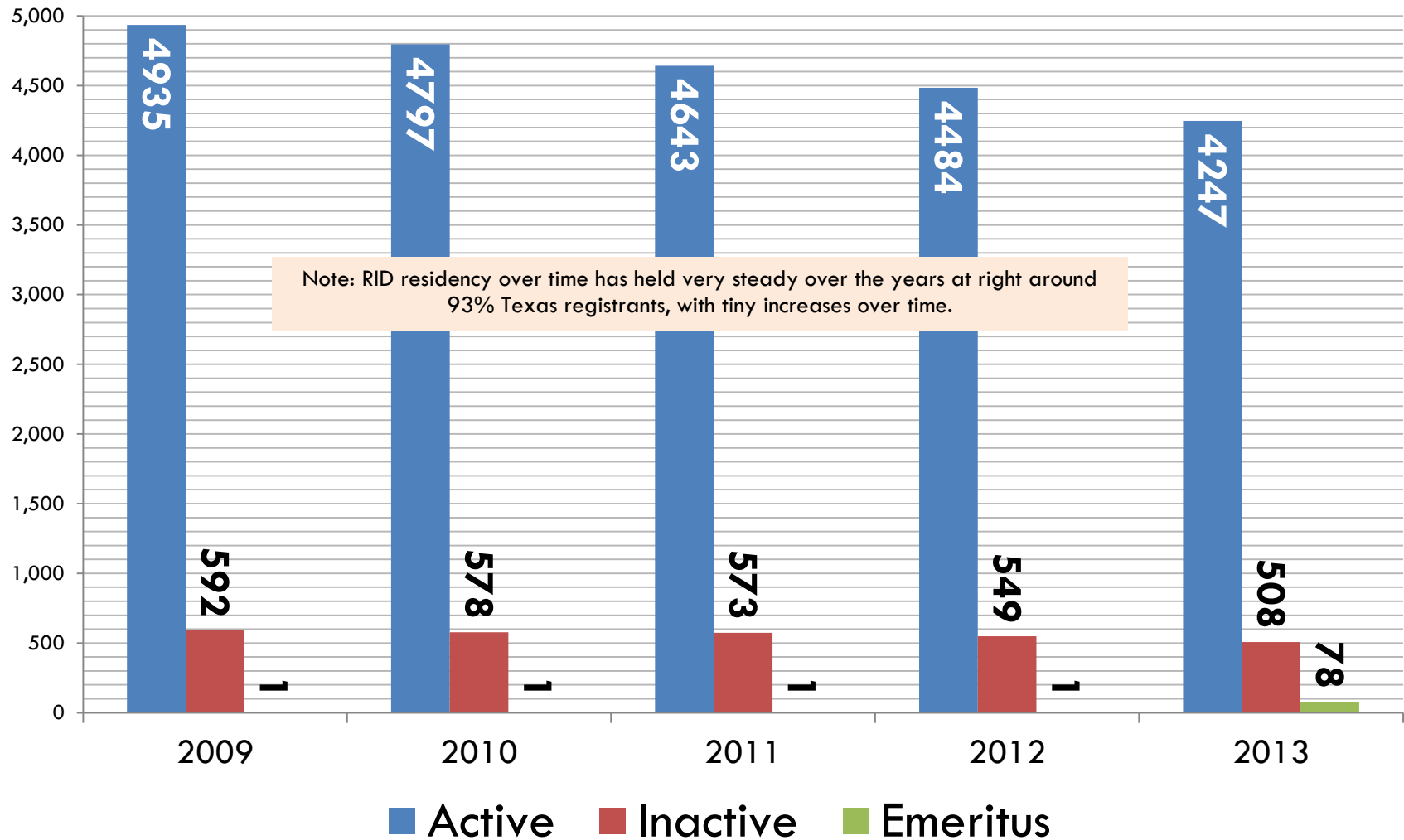
# New Landscape Architects by FY



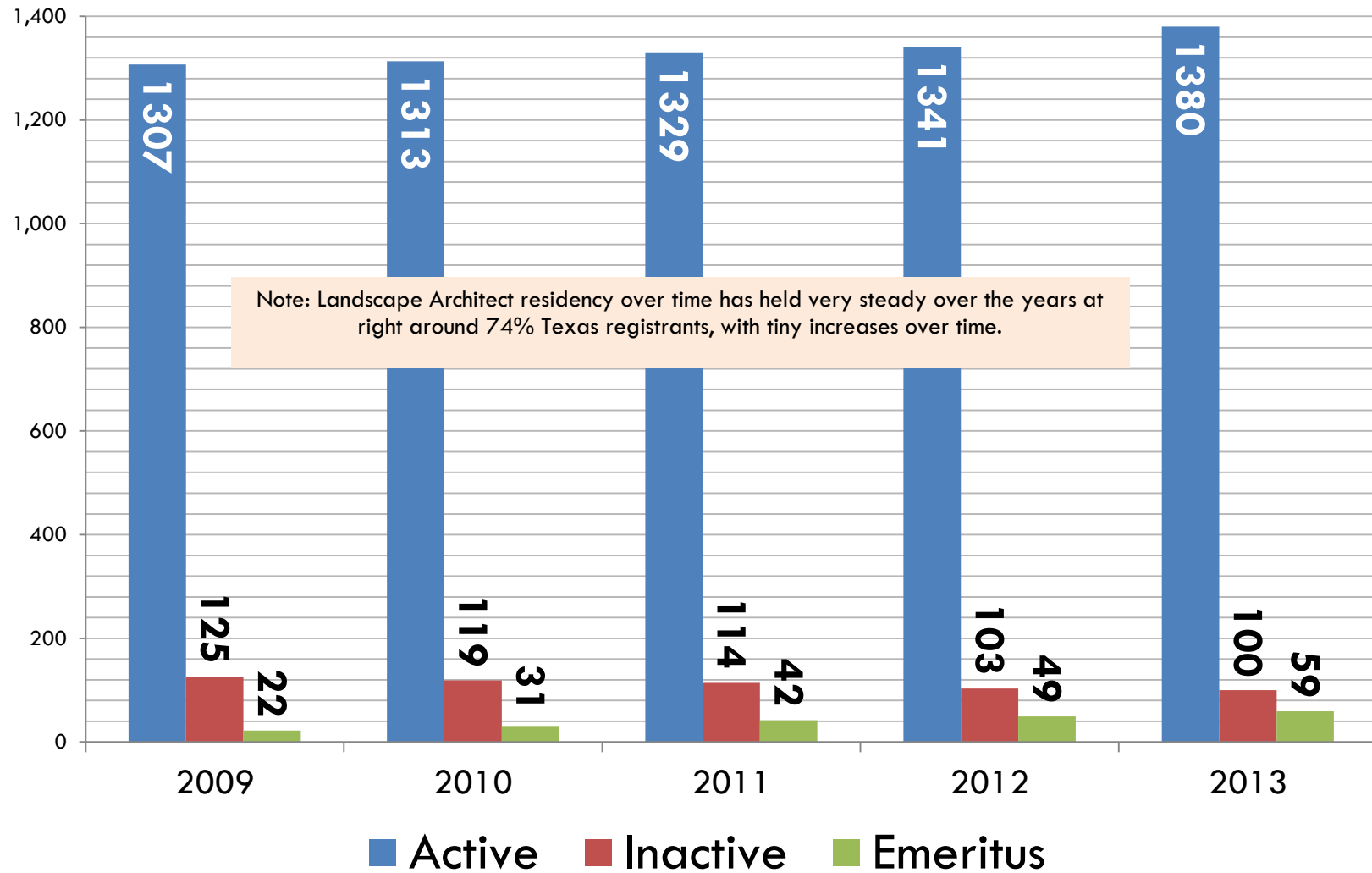
## New Architects by FY



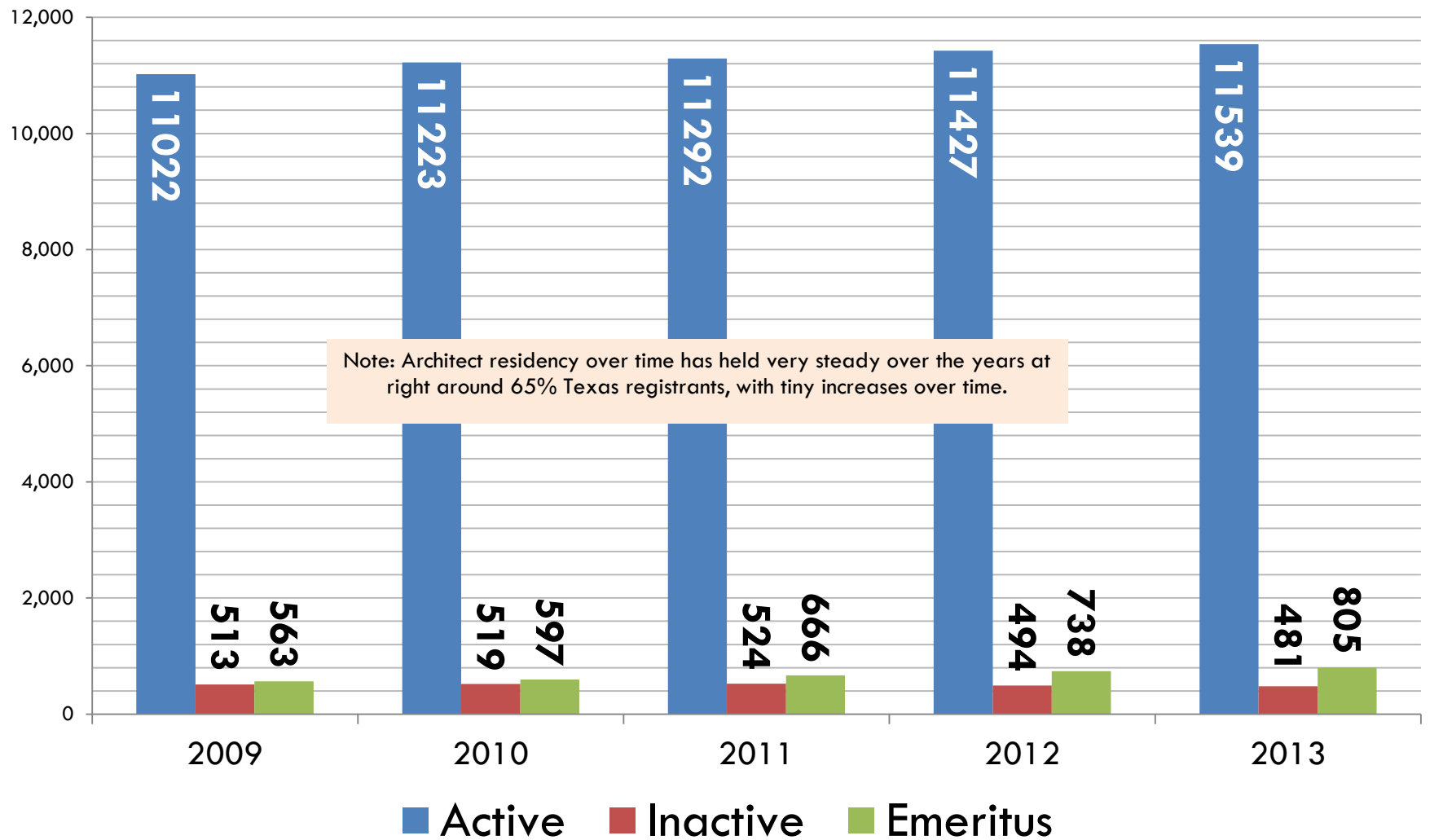
## RIDs, by status



# Landscape Architects, by status

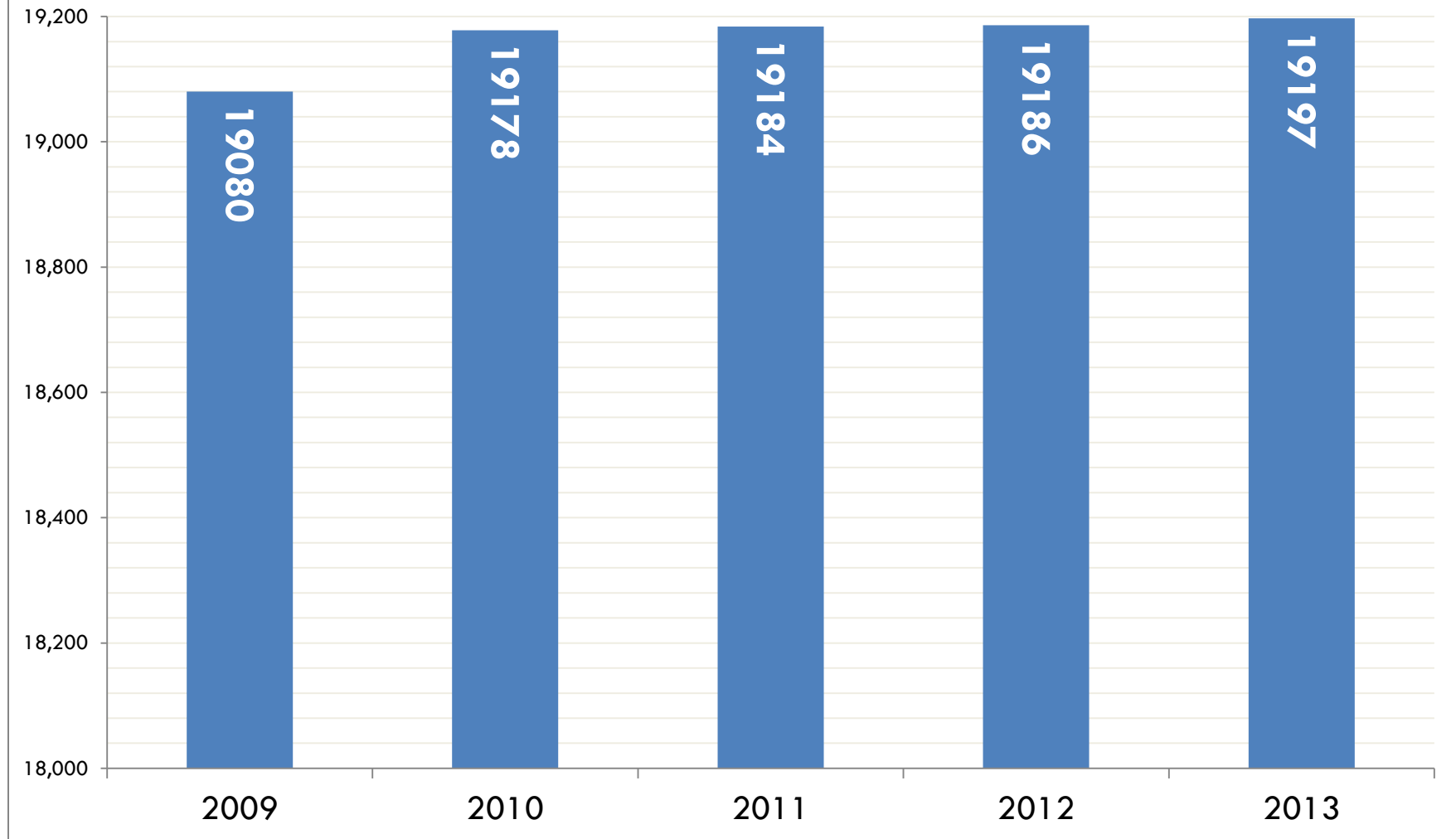


# Architects, by status

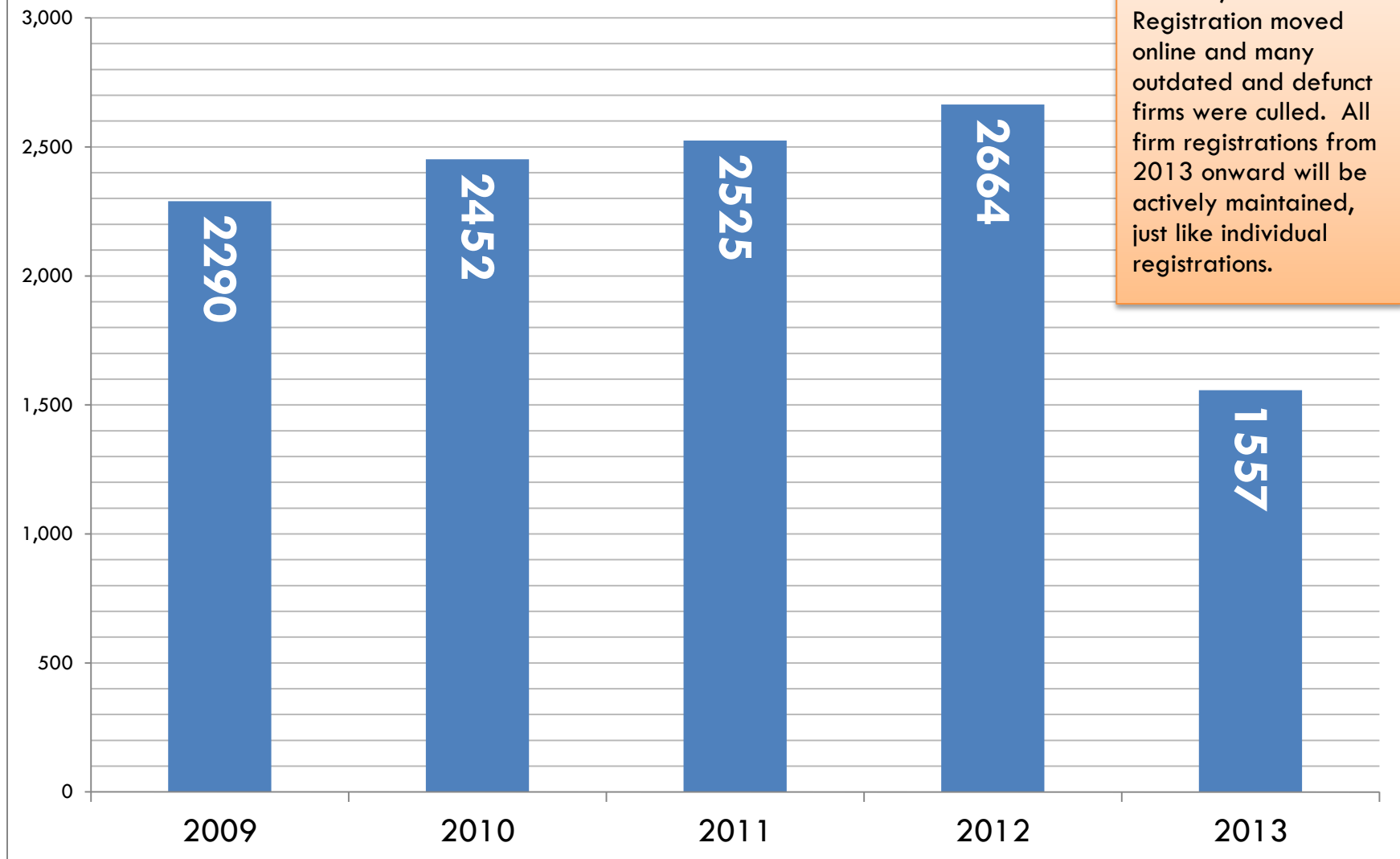


# Individual registrations by FY

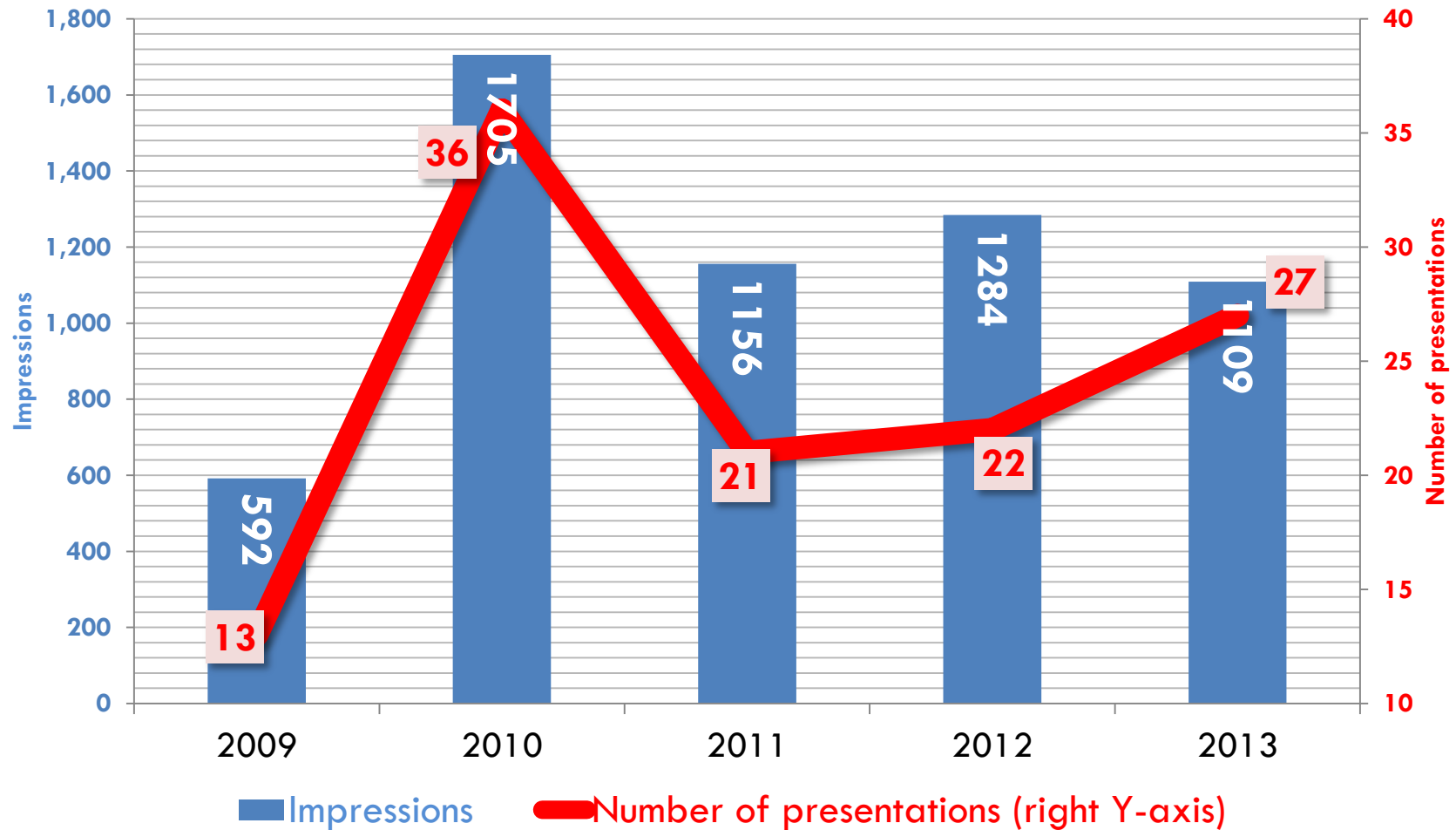
(All professions, active/inactive/emeritus status)



# Business Registrations by FY



# Communications Corps Results by FY





# SURVEY OF EMPLOYEE ENGAGEMENT

Board of Architectural Examiners

Executive Summary

**2013**



**EMPLOYEE ENGAGEMENT**

**INSTITUTE FOR ORGANIZATIONAL EXCELLENCE**

Introduction & Survey Framework  
Organization Profile & Survey Administration  
Overall Score & Participation  
Construct Analysis  
    Areas of Strength  
    Areas of Concern  
Climate Analysis  
Over Time Comparison  
Participant Profile Benchmarking  
Next Steps Timeline

Institute for Organizational Excellence  
The University of Texas at Austin  
1925 San Jacinto Blvd., D3500  
Austin, Texas 78712

[www.survey.utexas.edu](http://www.survey.utexas.edu)  
[orgexcel@gmail.com](mailto:orgexcel@gmail.com)  
Phone (512) 471-9831  
Fax (512) 471-9600

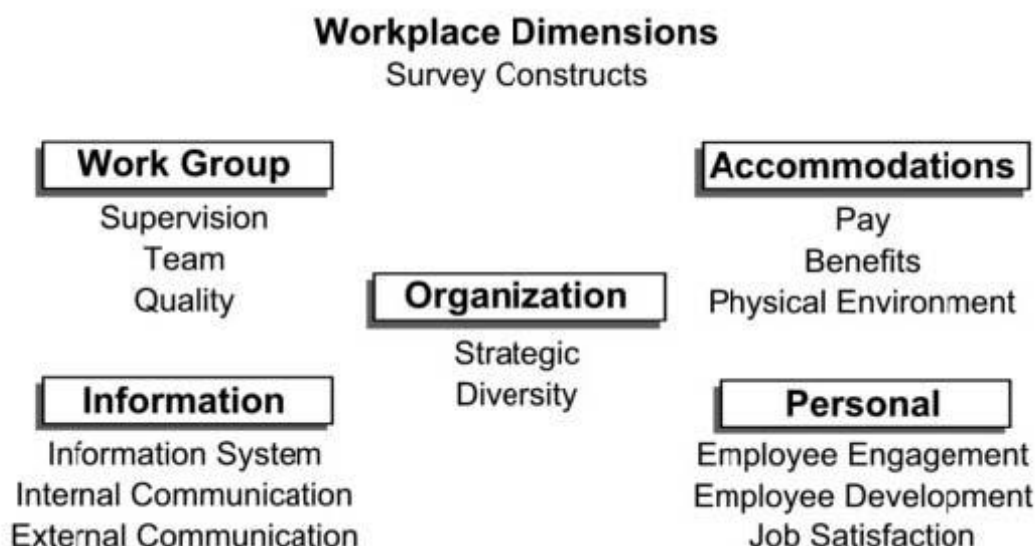
## Introduction

**Thank you** for your participation in the Survey of Employee Engagement (SEE). We trust that you will find the information helpful in your leadership planning and organizational development efforts. As an organizational climate assessment, the SEE represents an employee engagement measurement tool based on modern organizational and managerial practice and sound theoretical foundations. In short, the SEE is specifically focused on the key drivers relative to the ability to engage employees towards successfully fulfilling the vision and mission of the organization.

Participation in the SEE indicates the willingness of leadership and the readiness of all employees to engage in meaningful measurement and organizational improvement efforts. The process is best utilized when leadership builds on the momentum initiated through the surveying process and begins engagement interventions using the SEE data as a guide. Contained within these reports are specific areas of organizational strengths and of organizational concern.

**The SEE Framework** initially consists of a series of items to ascertain the demography of the respondents. The purpose is to measure whether or not a representative group of respondents participated. The second section contains 71 primary items. These are used to assess essential and fundamental aspects of how the organization functions, the climate, potential barriers to improvement, and internal organizational strengths. The items are all scored on a five-point scale from Strongly Disagree (1) to Strongly Agree (5) and are averaged to produce various summary measures - Constructs, Climate indicators, and the Synthesis Score.

The SEE has 14 Constructs which capture the concepts most utilized by leadership and those which drive organizational performance and engagement. These constructs are: Supervision, Team, Quality, Pay, Benefits, Physical Environment, Strategic, Diversity, Information Systems, Internal Communication, External Communication, Employee Engagement, Employee Development, and Job Satisfaction. In the Climate section of the reports are the Climate indicators: Atmosphere, Ethics, Fairness, Feedback, and Management.



## Organization Profile

### Board of Architectural Examiners

#### Organizational Leadership:

- Cathy Hendricks ,RID, ASID/IIDA, Executive Director



#### Benchmark Groups

The most current benchmark data are provided in your report. To get a better idea of how this organization compares to others like it, we provide three types of benchmark data: organizations with a similar size, similar mission, and organizations belonging to a special grouping.

**The Benchmark Categories for this organization are:**

**Organization Size:** Size category 1 includes organizations with less than 26 employees.

**Mission Category:** Mission 8 (Regulatory) The Regulatory category includes organizations involved in the regulation of medical, financial, and other service industries.

**Special Grouping:** None

#### Survey Administration

**Collection Period:**

12-02-2013 through 12-20-2013

**Additional Items and Categories** (if applicable) may be used to target areas specific to the organization. Refer to the Appendix of the Data Report for a complete listing. 17 additional items

**Survey Liaison:** Christine Brister (512)  
305-8525 Human Resources Coordinator  
333 Guadalupe, Ste. 2-350  
Austin, TX 78701

[christine.brister@tbae.state.tx.us](mailto:christine.brister@tbae.state.tx.us)

## Overall Score and Participation

### Overall Score

The overall survey score is a broad indicator for comparison with other entities. The Overall Score is an average of all survey items and represents the overall score for the organization. For comparison purposes, Overall scores typically range from 325 to 375.

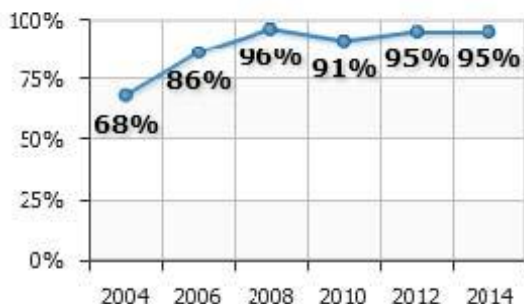
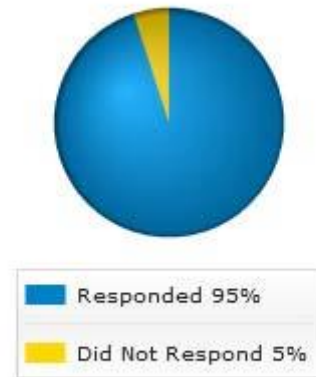


### Response Rates

#### Overall Response Rate

Out of the 19 employees who were invited to take the survey, 18 responded. As a general rule, rates higher than 50 percent suggest soundness. Rates lower than 30 percent may indicate problems.

At 95%, your response rate is considered high. High rates mean that employees have an investment in the organization, want to see the organization improve, and generally have a sense of responsibility to the organization. With this level of engagement, employees have high expectations from Leadership to act on the survey results.



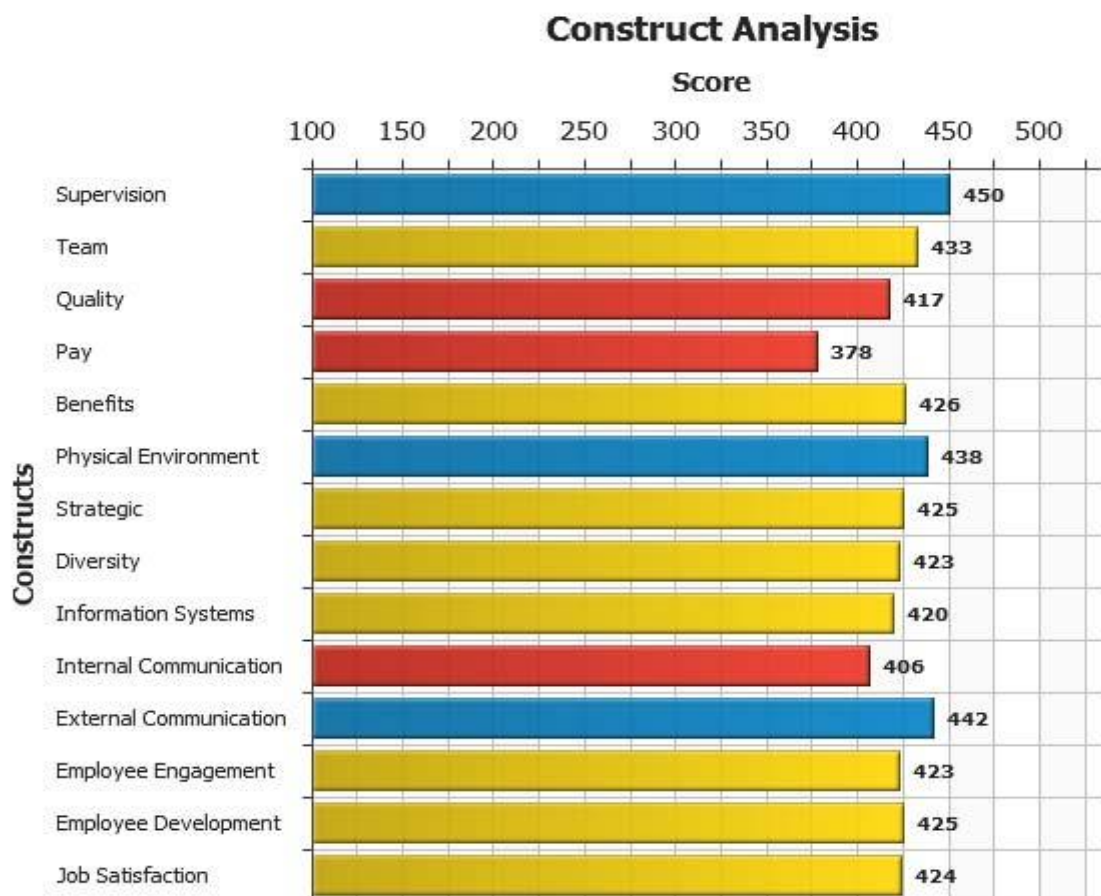
#### Response Rate Over Time

One of the values of participating in multiple iterations of the survey is the opportunity to measure organizational change over time. In general, response rates should rise from the first to the second and succeeding iterations. If organizational health is sound and the online administration option is used, rates tend to plateau around the 60 to 65 percent level. A sharp decline in your response rate over time can be a significant indicator of a current or potential developing organizational problem.

## Construct Analysis

Constructs have been color coded to highlight the organization's areas of strength and areas of concern. The 3 highest scoring constructs are blue, the 3 lowest scoring constructs are red, and the remaining 8 constructs are yellow.

Each construct is displayed below with its corresponding score. Highest scoring constructs are areas of strength for this organization while the lowest scoring constructs are areas of concern. Scores above 350 suggest that employees perceive the issue more positively than negatively, and scores of 375 or higher indicate areas of substantial strength. Conversely, scores below 350 are viewed less positively by employees, and scores below 325 should be a significant source of concern for the organization and should receive immediate attention.



# Organizational Typology: Areas of Strength

The following Constructs are relative strengths for the organization:

## Supervision

**Score:450**

The Supervision construct provides insight into the nature of supervisory relationships within the organization, including aspects of leadership, the communication of expectations, and the sense of fairness that employees perceive between supervisors and themselves.

High Supervision scores indicate that employees view their supervisors as fair, helpful, and critical to the flow of work. Maintaining these high scores will require leadership to carefully assess supervisory training and carefully make the selection of new supervisors.

## External Communication

**Score: 442**

The External Communication construct looks at how information flows into the organization from external sources, and conversely, how information flows from inside the organization to external constituents. It addresses the ability of organizational members to synthesize and apply external information to work performed by the organization.

High scores indicate that employees view their organization as communicating effectively with other organizations, its clients, and those concerned with regulation. Maintaining these high scores will require leadership to be alert to change and maintain strong and responsive tools to assess the external environment.

## Physical Environment

**Score:438**

The Physical Environment construct captures employees' perceptions of the total work atmosphere and the degree to which employees believe that it is a 'safe' working environment. This construct addresses the 'feel' of the workplace as perceived by the employee.

High scores indicate that employees view their work setting positively. It means that the setting is seen as satisfactory, safe, and that adequate tools and resources are available.

## Organizational Typology: Areas of Concern

The following Constructs are relative concerns for the organization:

### Pay

**Score: 378**

The Pay construct addresses perceptions of the overall compensation package offered by the organization. It describes how well the compensation package 'holds up' when employees compare it to similar jobs in other organizations.

High scores indicate that employees view the level of pay positively. It means that pay is well valued relative to the type of work, work demands, and comparable positions. Maintaining these high scores will require leadership to carefully assess pay levels and watch for changes in the cost of living, as well as, the competitiveness of salaries compared to other organizations.

### Internal Communication

**Score: 406**

The Internal Communication construct captures the organization's communications flow from the top-down, bottom-up, and across divisions/departments. It addresses the extent to which communication exchanges are open, candid, and move the organization toward its goals.

High scores indicate that employees view communication with peers, supervisors, and other parts of the organization as functional and effective. Appropriate communication technology is available and useful. Maintaining these high scores will require continual attention to communication needs and technology.

### Quality

**Score: 417**

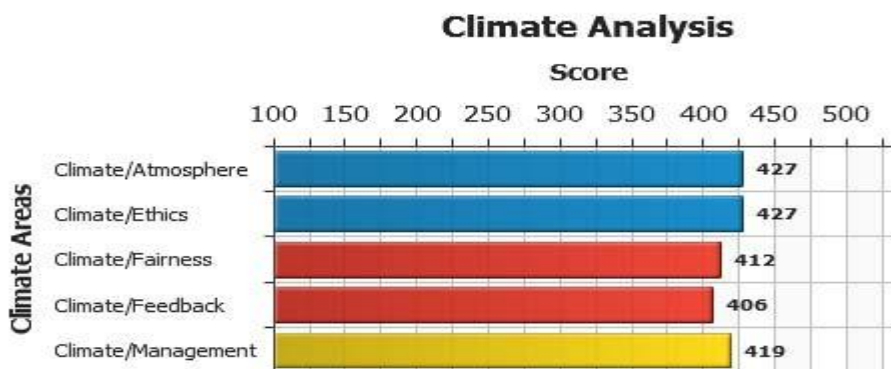
The Quality construct focuses upon the degree to which quality principles, such as customer service and continuous improvement are a part of the organizational culture. This construct also addresses the extent to which employees feel that they have the resources to deliver quality services.

High scores indicate that employees feel the organization delivers superior products and services to its customers. In general, quality is a result of understanding the needs of customers or clients coupled with a continuous examination of products and processes for improvement. Essential to maintaining high levels of quality are the clear articulation of goals, the careful attention to changes in the environment that might affect resources or heightened competition, and the vigorous participation by all members.

## Climate Analysis

The climate in which employees work does, to a large extent, determine the efficiency and effectiveness of an organization. The appropriate climate is a combination of a safe, non-harassing environment with ethical abiding employees who treat each other with fairness and respect. Moreover, it is an organization with proactive management that communicates and has the capability to make thoughtful decisions. Climate Areas have been color coded to highlight the organization's areas of strength and areas of concern. The 2 highest scoring climate areas are blue (Ethics, Atmosphere), the 2 lowest scoring climate areas are red (Feedback, Fairness), and the remaining climate area is yellow (Management).

Each Climate Area is displayed below with its corresponding score. Scores above 350 suggest that employees perceive the issue more positively than negatively, and scores of 375 or higher indicate areas of substantial strength. Conversely, scores below 350 are viewed less positively by employees, and scores below 325 should be a significant source of concern for the organization and should receive immediate attention.



### Climate Definitions:

**Atmosphere:** The aspect of climate and positive Atmosphere of an organization must be free of harassment in order to establish a community of reciprocity.

**Ethics:** An Ethical climate is a foundation of building trust within an organization where not only are employees ethical in their behavior, but that ethical violations are appropriately handled.

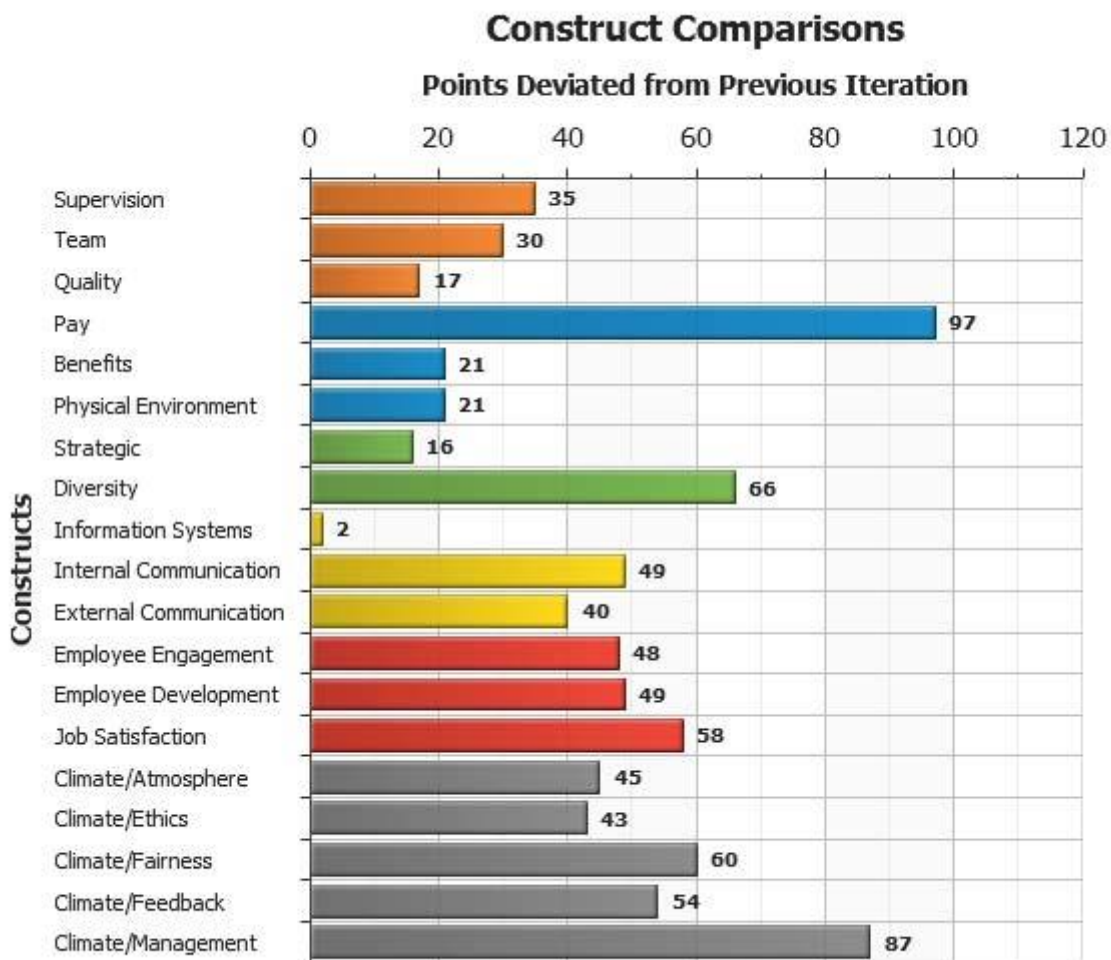
**Fairness:** Fairness measures the extent to which employees believe that equal and fair opportunity exists for all members of the organization.

**Feedback:** Appropriate feedback is an essential element of organizational learning by providing the necessary data in which improvement can occur.

**Management:** The climate presented by Management as being accessible, visible, and an effective communicator of information is a basic tenant of successful leadership.

## Over Time Comparisons

One of the benefits of continuing to participate in the survey is that over time data shows how employees' views have changed as a result of implementing efforts suggested by previous survey results. Positive changes indicate that employees perceive the issue as adequately improved since the previous survey. Negative changes indicate that the employees perceive that the issue has worsened since the previous survey. Negative changes of greater than 50 points and having 10 or more negative construct changes should be a source of concern for the organization and should receive immediate attention.

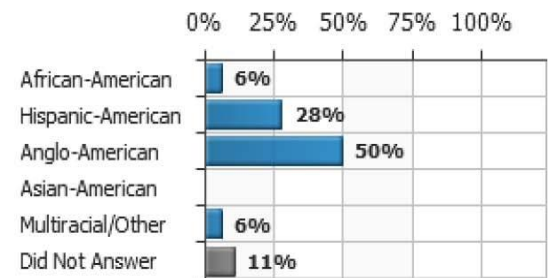


## Participant Profile

Demographic data helps one to see if the Survey response rate matches the general features of all employees in the organization. It is also an important factor in being able to determine the level of consensus and shared viewpoints across the organization. It may also help to indicate the extent to which the membership of the organization is representative of the local community and those persons that use the services and products of the organization.

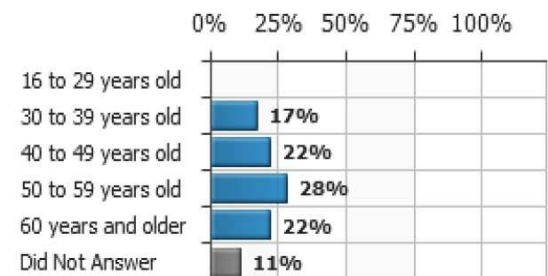
### Race/Ethnic Identification

Racial/Ethnic diversity within the workplace provides resources for innovation. A diverse workforce helps ensure that different ideas are understood, and that the community sees the organization as representative of the community.



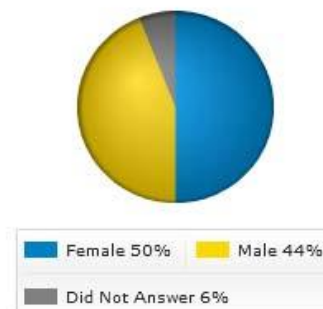
### Age

Age diversity brings different experiences and perspectives to the organization, since people have different challenges and resources at various age levels. Large percentages of older individuals may be a cause of concern if a number of key employees are nearing retirement age.



### Gender

The ratio of males to females within an organization can vary among different organizations. However, extreme imbalances in the gender ratio when compared to actual gender diversity within your organization should be a source of concern and may require immediate attention as to why one group is responding at different than anticipated rates.



## Benchmark Data and Other Resources

**Benchmark Categories:** **Benchmark Data** composed of the organizations participating in the survey are provided in your reports. Benchmarks are used to provide a unit of comparison of organizations of similar mission and size. If you selected to use organizational categories, internal benchmarks between categories as well as over time data illustrate differences and changes along item and construct scores. Our benchmark data are updated every two years and are available from our website at [www.survey.utexas.edu](http://www.survey.utexas.edu).

**Reporting and Other Resources:** **A Data Report** accompanies this summary. The data report provides greater detail than the executive summary. The data report is largely a quantitative report of the survey responses. Demographic data are presented in percentages and real numbers. Construct means and benchmark comparison numbers are provided on all variables. Item data are broken into mean, frequency counts, standard deviations, and number of respondents. Item benchmark data are also displayed.

**Electronic Reports** are provided in two formats. First, all executive and data reports are included in PDF files for ease in distribution and for clear printability. This file format is widely used, and a free PDF reader called Adobe Acrobat reader is available from [www.adobe.com](http://www.adobe.com). The second type of electronic reports are in Microsoft Excel format. These reports are construct and item survey data in a flat spreadsheet format. This allows the user to sort highs and lows, search for individual items, or create custom reports from the survey data.

**Using the Survey as a Catalyst** for organizational improvement is essential to the survey process. The survey creates momentum and interest. At the end of the executive summary report is a series of suggested next steps to assist in these efforts.

**Additional Services** are available from our group. We conduct 360-Degree leadership and supervisory evaluations, special leadership assessments, customer and client satisfaction surveys along with the ability to create and administer a variety of custom hardcopy and online survey instruments. Consultation time for large presentations, focus groups, or individual meetings is available as well. For additional information, please contact us at anytime.

## Next Steps: Interpretation and Intervention

After the survey data has been compiled, the results are returned to the survey liaison, executive director, and board or commission chair approximately one to two months after data collection stops. These individuals are strongly encouraged to share results with all survey participants in the organization. Survey results are provided in several formats to provide maximum flexibility in interpreting the data and sharing the data with the entire organization. The quick turnaround in reporting allows for immediate action upon the results while they are still current.

The Executive Summary provides a graphical depiction of the data. Graphical data can easily be reproduced in a company newsletter or website. For additional detailed data, the Data Report is useful for examining survey data on the individual item level. Response counts, averages, standard deviations, and response distributions are provided for each item. Excel files provide electronic access to scores. Scores can be sorted in various ways to help determine strengths and areas of concern. The electronic data can also be used by Excel or other software to create additional graphs or charts. Any of these formats can be used alone or in combination to create rich information on which employees can base their ideas for change.

Benchmark data provide an opportunity to get a true feel of the organization's performance. Comparing the organization's score to scores outside of the organization can unearth unique strengths and areas of concern. Several groups of benchmarks are provided to allow the freedom to choose which comparisons are most relevant. If organizational categories were used, then internal comparisons can be made between different functional areas of the organization. By using these comparisons, functional areas can be identified for star performance in a particular construct, and a set of "best practices" can be created to replicate their success throughout the organization.

These Survey Data provide a unique perspective of the average view of all participants. It is important to examine these findings and take them back to the employees for interpretation and to select priority areas for improvement. This is an opportunity for the organization to recognize and celebrate areas that members have judged to be areas of relative strength. By seeking participation and engaging people on how the organization functions, you have taken a specific step in increasing organizational capital. High organizational capital means high trust among employees and a greater likelihood of improved efforts and good working relationships with clients and customers.

### **Ideas for getting employees involved in the change process:**

- Hold small focus groups to find out how the employees would interpret the results
- Conduct targeted follow-up surveys to collect additional information including comments
- Provide employees with questionnaires/comment cards to express their ideas

### **Ideas for sharing data with the organization:**

- Publish results in an organizational newsletter or intranet site
- Discuss results in departmental meetings
- Create a PowerPoint presentation of the results and display them on kiosks

## Timeline

### January and February: Interpreting the Data

- Data are returned to survey liaisons, executive directors and board members
- Review Survey data including the Executive Summary with executive staff
- Develop plans for circulating all the data sequentially and provide interpretations for all staff

### March: Distributing Results to the Entire Organization

- Implement the plans for circulating the data to all staff
- Create 3 to 4 weekly or monthly reports or organization newsletters
- Report a portion of the constructs and items, providing the data along with illustrations pertinent to the organization
- Select a time to have employees participate in a work unit group to review the reports as they are distributed to all staff, with one group leader assigned to every group. The size of the groups should be limited to about a dozen people at a time. A time limit should be set not to exceed two hours.

### April: Planning for Change

- Designate the Change Team composed of a diagonal slice across the organization that will guide the effort
- Identify Work Unit Groups around actual organizational work units and start each meeting by reviewing strengths as indicated in the data report. Brainstorm on how to best address weaknesses
- Establish Procedures for recording the deliberations of the Work Unit Group and returning those data to the Change Team
- Decide upon the Top Priority Change Topic and Methods necessary for making the change. Web-based Discussion Groups and Mini-Surveys are convenient technologies
- First change effort begins
- Repeat for the next change target

### May and Beyond: Implementation and Interventions

- Have the Change Team compile the Priority Change Topics and Methods necessary for making the change and present them to the executive staff
- Discuss the administrative protocols necessary for implementing the changes
- Determine the plan of action and set up a reasonable timeline for implementation
- Keep employees informed about changes as they occur through meetings, newsletters, or intranet publications
- Resurvey to document the effectiveness of the change

## **Rules 1.149/3.149/5.158**

### **Summary of Proposed Rules for Adoption**

#### **Current Rules**

Under the current rules, applicants are required to report criminal history information to the Board as part of the application process. A registrant who has been convicted of any offense other than a minor traffic offense is required to report the conviction within 30 days after the court enters the conviction. In addition to the self-reporting requirements, the agency receives registrants' criminal history information from the Department of Public Safety ("DPS") each month to determine if the registrants whose registrations are due for renewal that month have been convicted during the past year. In this manner each registrant's criminal history record is checked by agency staff annually.

#### **Statutory Changes**

In accordance with the agency's Sunset bill (HB 1717), the agency is implementing a new process for criminal background checks. As a prerequisite to becoming registered, each applicant must submit a set of fingerprints to DPS or a vendor operating under contract with DPS. The fingerprints are checked against criminal history records maintained by DPS or the FBI. The agency will receive any past criminal history information from the criminal history records and will receive notice upon the conviction of registrants in the future.

Under the proposed rule, as stated in the statute, each person is subject to fingerprinting only once. The requirement for fingerprinting as a prerequisite for renewal does not apply to any person who was previously fingerprinted for initial registration or renewal.

#### **Prospective Amendments to Rules**

The amendments eliminate the self-reporting requirements. In accordance with the new requirements, applicants and registrants are required to submit fingerprints to DPS or its vendor. If the agency obtains information through the criminal history check, the executive director will have the authority to notify the applicant or registrant who will have the opportunity to respond in writing.

Agency staff will evaluate information regarding the facts and circumstances of the conviction, including the nature of the offense, its relationship to the practices regulated by the Board, the opportunities licensure will provide for future criminal conduct, the age of the registrant or

applicant at the time the offense was committed, the period elapsed since the offense was committed, efforts at rehabilitation, and other facts and circumstances relating to the offense. If the executive director determines the offense relates to the practice of a regulated profession, the information gathered by agency staff will be provided to the Board. The Board will determine whether the offense should render the applicant ineligible for registration or renewal of registration.

The agency will also discontinue the current practice of conducting annual background checks on registrants.

### **Publication in the *Texas Register***

The amendments were published in the *Texas Register* in September, withdrawn to correct a drafting error and republished on November 15, 2013, for public comment. As of the drafting of this document, no public comment has been received.

## AMENDMENTS FOR ADOPTION

### RULE §1.149

### Criminal Convictions

1 [Subsection (a) unchanged.]

2 (b) The following procedures will apply in the consideration of an application for registration as  
3 an Architect or in the consideration of a Registrant's criminal history:

4 (1) Effective January 1, 2014, each [Each] Applicant shall [will be required to] submit a  
5 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
6 under contract with the Department for the purpose of obtaining criminal history record  
7 information from the Department and the Federal Bureau of Investigation. The Applicant  
8 shall pay the cost of conducting the criminal history background check to the Department  
9 or the vendor on behalf of the Department. An Applicant who does not submit  
10 fingerprints in accordance with this Subsection is ineligible for registration. [provide  
11 information regarding the Applicant's criminal history as part of the application process.  
12 Each Registrant will be required to report any criminal conviction to the Board within  
13 thirty (30) days of the date the conviction is entered by the court and to verify the status  
14 of the Registrant's criminal history on each registration renewal form. An Applicant or  
15 Registrant shall not be required to report a conviction for a minor traffic offense.]

16 (2) Effective January 1, 2014, each Registrant on active status or returning to active status  
17 who has not submitted a set of fingerprints pursuant to Subsection (1) shall submit a  
18 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
19 under contract with the Department for the purpose of obtaining criminal history record  
20 information from the Department and the Federal Bureau of Investigation. The Registrant  
21 shall pay the cost of conducting the criminal history background check to the Department  
22 or the vendor on behalf of the Department. A Registrant who does not submit fingerprints  
23 in accordance with this Subsection is ineligible for renewal of, or returning to, active  
24 registration. A Registrant is not required to submit fingerprints under this paragraph for  
25 the renewal of, or returning to, active registration if the Registrant previously submitted  
26 fingerprints under paragraph (1) of this subsection for initial registration or under this  
27 paragraph for a previous renewal of, or return to, active registration.

28 (3) ~~(2)~~ The executive director may contact an Applicant or Registrant regarding any  
29 information about a criminal conviction, other than a minor traffic offense, disclosed in

## AMENDMENTS FOR ADOPTION

1 the Applicant's or Registrant's criminal history record. The executive director shall allow  
2 the [An] Applicant or Registrant no less than 30 days to provide a written response [who  
3 has been convicted for committing any offense will be required to provide a summary of  
4 each conviction] in sufficient detail to allow the executive director to determine whether  
5 the conduct at issue [it] appears to directly relate to the duties and responsibilities of an  
6 Architect.

7 (4) [(3)] If the executive director determines the conviction might be directly related to  
8 the duties and responsibilities of an Architect, the Board's staff will obtain sufficient  
9 details regarding the conviction to allow the Board to determine the effect of the  
10 conviction on the Applicant's eligibility for registration or on the Registrant's fitness for  
11 continued registration.

12 [Subsections (c) – (i) unchanged.]

## AMENDMENTS FOR ADOPTION

### RULE §3.149

### Criminal Convictions

1 [Subsection (a) unchanged.]

2 (b) The following procedures will apply in the consideration of an application for registration as  
3 a Landscape Architect or in the consideration of a Registrant's criminal history:

4 (1) Effective January 1, 2014, each [Each] Applicant shall [will be required to] submit a  
5 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
6 under contract with the Department for the purpose of obtaining criminal history record  
7 information from the Department and the Federal Bureau of Investigation. The Applicant  
8 shall pay the cost of conducting the criminal history background check to the Department  
9 or the vendor on behalf of the Department. An Applicant who does not submit  
10 fingerprints in accordance with this Subsection is ineligible for registration. [provide  
11 information regarding the Applicant's criminal history as part of the application process.  
12 Each Registrant will be required to report any criminal conviction to the Board within  
13 thirty (30) days of the date the conviction is entered by the court and to verify the status  
14 of the Registrant's criminal history on each registration renewal form. An Applicant or  
15 Registrant shall not be required to report a conviction for a minor traffic offense.]

16 (2) Effective January 1, 2014, each Registrant on active status or returning to active status  
17 who has not submitted a set of fingerprints pursuant to Subsection (1) shall submit a  
18 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
19 under contract with the Department for the purpose of obtaining criminal history record  
20 information from the Department and the Federal Bureau of Investigation. The Registrant  
21 shall pay the cost of conducting the criminal history background check to the Department  
22 or the vendor on behalf of the Department. A Registrant who does not submit fingerprints  
23 in accordance with this Subsection is ineligible for renewal of, or returning to, active  
24 registration. A Registrant is not required to submit fingerprints under this paragraph for  
25 the renewal of, or returning to, active registration if the Registrant previously submitted  
26 fingerprints under paragraph (1) of this subsection for initial registration or under this  
27 paragraph for a previous renewal of, or return to, active registration.

## AMENDMENTS FOR ADOPTION

1        (3) [(2)] The executive director may contact the Applicant or Registrant regarding any  
2        information about a criminal conviction, other than a minor traffic offense, disclosed in  
3        the Applicant's or Registrant's criminal history record. The executive director shall allow  
4        the [An] Applicant or Registrant no less than 30 days to provide a written response [who  
5        ~~has been convicted for committing any offense will be required to provide a summary of~~  
6        ~~each conviction]~~ in sufficient detail to allow the executive director to determine whether  
7        the conduct at issue [it] appears to directly relate to the duties and responsibilities of a  
8        Landscape Architect.

9        (4) [(3)] If the executive director determines the conviction might be directly related to  
10       the duties and responsibilities of a Landscape Architect, the Board's staff will obtain  
11       sufficient details regarding the conviction to allow the Board to determine the effect of  
12       the conviction on the Applicant's eligibility for registration or on the Registrant's fitness  
13       for continued registration.

14       [Subsections (c) – (i) unchanged.]

## AMENDMENTS FOR ADOPTION

### RULE §5.158

### Criminal Convictions

1 [Subsection (a) unchanged.]

2 (b) The following procedures will apply in the consideration of an application for registration as  
3 a Registered Interior Designer or in the consideration of a Registrant's criminal history:

4 (1) Effective January 1, 2014, each [Each] Applicant shall [will be required to provide]  
5 submit a complete and legible set of fingerprints to the Department of Public Safety or a  
6 vendor under contract with the Department for the purpose of obtaining criminal history  
7 record information from the Department and the Federal Bureau of Investigation. The  
8 Applicant shall pay the cost of conducting the criminal history background check to the  
9 Department or the vendor on behalf of the Department. An Applicant who does not  
10 submit fingerprints in accordance with this Subsection is ineligible for registration.

11 ~~[information regarding the Applicant's criminal history as part of the application process.~~  
12 ~~Each Registrant will be required to report any criminal conviction to the Board within~~  
13 ~~thirty (30) days of the date the conviction is entered by the court and to verify the status~~  
14 ~~of the Registrant's criminal history on each registration renewal form. An Applicant or~~  
15 ~~Registrant is not required to report a conviction for a minor traffic offense.]~~

16 (2) Effective January 1, 2014, each Registrant on active status or returning to active status  
17 who has not submitted a set of fingerprints pursuant to Subsection (1) shall submit a  
18 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
19 under contract with the Department for the purpose of obtaining criminal history record  
20 information from the Department and the Federal Bureau of Investigation. The Registrant  
21 shall pay the cost of conducting the criminal history background check to the Department  
22 or the vendor on behalf of the Department. A Registrant who does not submit fingerprints  
23 in accordance with this Subsection is ineligible for renewal of, or returning to, active  
24 registration. A Registrant is not required to submit fingerprints under this paragraph for  
25 the renewal of, or returning to, active registration if the Registrant previously submitted  
26 fingerprints under paragraph (1) of this subsection for initial registration or under this  
27 paragraph for a previous renewal of, or return to, active registration.

28 (3) ~~[(2)]~~ The executive director may contact the Applicant or Registrant regarding any  
29 information about a criminal conviction, other than a minor traffic offense, disclosed in  
30 the Applicant's or Registrant's criminal history record. The executive director shall allow

## AMENDMENTS FOR ADOPTION

1        ~~the [An]~~ Applicant or Registrant no less than 30 days to provide a written response ~~[who~~  
2        ~~has been convicted for committing any offense shall provide a summary of each~~  
3        ~~conviction]~~ in sufficient detail to allow the executive director to determine whether the  
4        conduct at issue ~~[it]~~ appears to directly relate to the duties and responsibilities of a  
5        Registered Interior Designer.

6        (4) ~~(3)~~ If the executive director determines the conviction might be directly related to  
7        the duties and responsibilities of a Registered Interior Designer, the Board's staff will  
8        obtain sufficient details regarding the conviction to allow the Board to determine the  
9        effect of the conviction on the Applicant's eligibility for registration or on the Registrant's  
10       fitness for continued registration.

## **Fingerprint-Based Criminal History Checks**

Excerpts from Sunset Commission Report and Bill

### **Excerpts from Sunset Staff Report**

**Criminal Background Checks.** Criminal background checks of licensees help protect the public, especially for occupations in which licensees regularly interact with the public or a potential risk of consumer fraud exists. In recent years many state agencies have switched from name-based checks to the Department of Public Safety (DPS) fingerprint system, which provides more accurate, real-time information than a name-based criminal background check. Fingerprint-based criminal background checks precisely match an individual with any associated criminal history, including any criminal history from other states or the FBI. After the initial background check, DPS also issues ongoing, automatic notice of subsequent arrests in Texas.

The use of fingerprint-based checks is expanding in Texas and nationally, as electronic imaging has made them more affordable. At least 14 state agencies in Texas use fingerprint-based criminal checks including the Board of Law Examiners, Department of Insurance, Department of Licensing and Regulation, State Board of Public Accountancy, Racing Commission, and Real Estate Commission.

In contrast, the Board requires applicants for licensure and licensure renewal to self-report their criminal history, and performs a DPS name-based check one month later. This type of check, however, does not provide a high level of accuracy and does not capture out-of-state criminal activity. Architects, landscape architects, and interior designers are mobile, and may perform services in more than one state. Also, some applicants for initial licensure are from outside the state. Requiring staff to shift to fingerprint checks would better protect the public by providing the Board with criminal history from other states, and would eliminate the need for checks at renewal, as DPS would provide automatic notice of subsequent arrests.

### **Recommendation 2.2. Require the Board to conduct fingerprint-based criminal background checks of applicants and licensees with active licenses.**

This recommendation would require the Board to conduct fingerprint-based criminal background checks, through DPS, on all applicants and licensees to review complete federal and state criminal histories of applicants. New prospective licensees would provide fingerprints at the time of application, and existing licensees would provide fingerprints at the next renewal of an active license. Inactive licensees would submit to criminal background checks before re-activating their licenses. Both applicants and existing licensees would pay a one-time cost of \$42 to the State's fingerprinting vendor and would not have ongoing charges for these checks.

## **Excerpts from House Bill 1717**

SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is amended by adding Section 1051.3041 to read as follows:

Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR REGISTRATION. (a) The board shall require that an applicant for a certificate of registration submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The board may not issue a certificate of registration to a person who does not comply with the requirement of Subsection (a).

(c) The board shall conduct a criminal history check of each applicant for a certificate of registration using information:

(1) provided by the individual under this section; and

(2) made available to the board by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The board may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history check.

SECTION 5. Subchapter G, Chapter 1051, Occupations Code, is amended by adding Section 1051.3531 to read as follows:

Sec. 1051.3531. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR RENEWAL. (a) An applicant renewing a certificate of registration shall submit a complete and legible set of fingerprints for purposes of performing a criminal history check of the applicant as provided by Section 1051.3041.

(b) The board may not renew the certificate of registration of a person who does not comply with the requirement of Subsection (a).

(c) A holder of a certificate of registration is not required to submit fingerprints under this section for the renewal of the certificate of registration if the holder has previously submitted fingerprints under:

(1) Section 1051.3041 for the initial issuance of the certificate of registration; or

(2) this section as part of a prior renewal of a certificate of registration.

SECTION 9. (a) Not later than December 1, 2013, the Texas Board of Architectural Examiners shall adopt rules necessary to implement the changes in law made by this Act to Chapter 1051, Occupations Code.

(b) Sections 1051.3041 and 1051.3531, Occupations Code, as added by this Act, and Sections 1051.353 and 1051.652, Occupations Code, as amended by this Act, apply only to an application for a certificate of registration or renewal of a certificate of registration filed with the Texas Board of Architectural Examiners on or after January 1, 2014. An application filed before that date is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

**Rules 1.28, 3.28 and 5.38 – Child Support**  
**Summary of Prospective Rule for Proposal**

**Current Rule**

Rule 1.28/3.28/5.38 states that the Board may be prohibited from renewing a certificate of registration if the Board receives official notice from a child support agency that the registrant has failed to pay court ordered child support. (The “child support agency” means the agency designated the Title IV-D agency for the collection of child support -- the Office of the Attorney General or the office of a county attorney or district attorney or other office which renders child support services under contract with the Office of the Attorney General.) Section 231.302, Family Code, requires licensing agencies to request, and licensees to provide, social security numbers to assist the Attorney General in collecting child support. Rule 1.23/3/23/5.33.

**Prospective Rules**

The new rules would prohibit the agency from issuing an initial certificate of registration to a person whom the Office of the Attorney General has reported has failed to pay court-ordered child support. The new rules augment current rules which prohibit renewal of a certificate of registration upon notice of failure to pay child support. The rules fully implement Section 232.0135, Family Code, which requires licensing authorities to deny license issuance or renewal upon receipt of notice to pay child support. The current rules address only the denial of license renewal, not initial issuance.

**Proposed New Rule: Amend Subchapter B – Eligibility for Registration as follows:**

**§1.28 Child Support Arrearage**

1 Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for  
2 registration from an Applicant who has failed to pay court ordered child support. The Board shall  
3 refuse to approve such an application upon receipt of notice of the child support arrearage from  
4 the child support agency until receipt of notice from the agency that the arrearage has been paid  
5 or other conditions specified in Texas Family Code §232.0135 have been met.

**§3.28 Child Support Arrearage**

6 Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for  
7 registration from an Applicant who has failed to pay court ordered child support. The Board shall  
8 refuse to approve such an application upon receipt of notice of the child support arrearage from  
9 the child support agency until receipt of notice from the agency that the arrearage has been paid  
10 or other conditions specified in Texas Family Code §232.0135 have been met.

**§5.38 Child Support Arrearage**

11 Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for  
12 registration from an Applicant who has failed to pay court ordered child support. The Board shall  
13 refuse to approve such an application upon receipt of notice of the child support arrearage from  
14 the child support agency until receipt of notice from the agency that the arrearage has been paid  
15 or other conditions specified in Texas Family Code §232.0135 have been met.

## **Child Support Enforcement – Denial of License Application**

### **Excerpts from Texas Family Code**

#### **§ 232.003. Suspension of License**

(a) A court or the Title IV-D agency may issue an order suspending a license as provided by this chapter if an individual who is an obligor:

- (1) owes overdue child support in an amount equal to or greater than the total support due for three months under a support order;
- (2) has been provided an opportunity to make payments toward the overdue child support under a court-ordered or agreed repayment schedule; and
- (3) has failed to comply with the repayment schedule.

(b) A court or the Title IV-D agency may issue an order suspending a license as provided by this chapter if a parent or alleged parent has failed, after receiving appropriate notice, to comply with a subpoena.

(c) A court may issue an order suspending license as provided by this chapter for an individual for whom a court has rendered an enforcement order under Chapter 157 finding that the individual has failed to comply with the terms of a court order providing for the possession of or access to a child.

#### **§ 232.0135. Denial of License Issuance or Renewal**

(a) A child support agency, as defined by Section 101.004, may provide notice to a licensing authority concerning an obligor who has failed to pay child support under a support order for six months or more that requests the authority to refuse to approve an application for issuance of a license to the obligor or renewal of an existing license of the obligor.

(b) A licensing authority that receives the information described by Subsection (a) shall refuse to accept an application for issuance of a license to the obligor or renewal of an existing license of the obligor until the authority is notified by the child support agency that the obligor has:

- (1) paid all child support arrearages;
- (2) made an immediate payment of not less than \$200 toward child support arrearages owed and established with the agency a satisfactory repayment schedule for the remainder or is in compliance with a court order for payment of the arrearages;
- (3) been granted an exemption from this subsection as part of a court-supervised plan to improve the obligor's earnings and child support payments; or
- (4) successfully contested the denial of issuance or renewal of license under Subsection (d).

(c) On providing a licensing authority with the notice described by Subsection (a), the child support agency shall send a copy to the obligor by first class mail and inform the obligor of the steps the obligor must take to permit the authority to accept the obligor's application for license issuance or renewal.

(d) An obligor receiving notice under Subsection (c) may request a review by the child support agency to resolve any issue in dispute regarding the identity of the obligor or the existence or amount of child support arrearages. The agency shall promptly provide an opportunity for a review, either by telephone or in person, as appropriate to the circumstances. After the review, if appropriate, the agency may notify the licensing authority that it may accept the obligor's application for issuance or renewal of license. If the agency and the obligor fail to resolve any issue in dispute, the obligor, not later than the 30th day after the date of receiving notice of the agency's determination from the review, may file a motion with the court to direct the agency to withdraw the notice under Subsection (a) and request a hearing on the motion. The obligor's application for license issuance or renewal may not be accepted by the licensing authority until the court rules on the motion. If, after a review by the agency or a hearing by the court, the agency withdraws the notice under Subsection (a), the agency shall reimburse the obligor the amount of any fee charged the obligor under Section 232.014.

(e) If an obligor enters into a repayment agreement with the child support agency under this section, the agency may incorporate the agreement in an order to be filed with and confirmed by the court in the manner provided for agreed orders under Chapter 233.

(f) In this section, "licensing authority" does not include the State Securities Board.

#### **§ 232.015. Cooperation Between Licensing Authorities and Title IV-D Agency**

(a) The Title IV-D agency may request from each licensing authority the name, address, social security number, license renewal date, and other identifying information for each individual who holds, applies for, or renews a license issued by the authority.

(b) A licensing authority shall provide the requested information in the form and manner identified by the Title IV-D agency.

(c) The Title IV-D agency may enter into a cooperative agreement with a licensing authority to administer this chapter in a cost-effective manner.

(d) The Title IV-D agency may adopt a reasonable implementation schedule for the requirements of this section.

(e) The Title IV-D agency, the comptroller, and the Texas Alcoholic Beverage Commission shall by rule specify additional prerequisites for the suspension of licenses relating to state taxes collected under Title 2, Tax Code.<sup>1</sup> The joint rules must be adopted not later than March 1, 1996.

**Rules 1.52 – Architect Registration Financial Assistance**  
**Summary of Prospective Rule for Proposal**

**Current Rule**

The Rule allows a candidate to receive an award of \$500 to defray (in part) the cost of taking the Architectural Registration Examination. A candidate is allowed to receive the award only after passing enough of the examination to incur examination costs of an amount of at least \$500. A candidate in good standing or an architect may receive the award so long as it is applied for within 12 months after passing a section of the examination which causes examination costs to equal or exceed \$500.

**Prospective Amendments**

The amendments would allow a candidate or an architect to receive the award only after finally passing all sections of the Architectural Registration Examination. The candidate or architect must apply for the award within 12 months of passing the final section of the Examination.

1.52 FINANCIAL ASSISTANCE TO ARE CANDIDATES

(a) The fund established by the 76th Texas Legislature to provide financial assistance to Texas ARE Candidates shall be administered by the Board or, if authorized by law, by an independent scholarship administrator approved by the Board. As mandated by §1051.653 of the Texas Occupations Code, the Architect Registration Examination Financial Assistance Fund (AREFAF) shall be funded by a mandatory fee from all Texas registered Architects.

(b) A one-time maximum award of \$500 shall be awarded to each approved applicant. Each scholarship recipient shall meet the following criteria:

(1) Each scholarship recipient shall be a Texas resident who has resided in Texas for at least 18 months immediately preceding the date the recipient submitted his or her application for the AREFAF award;

(2) Each scholarship recipient shall be a Candidate in good standing or ~~[shall be]~~ an Architect who passed the final section of [completed] the ARE during the 12-month period immediately preceding the date of application for the AREFAF award; and

(3) Each scholarship recipient shall demonstrate that the examination fee for the ARE ~~[would pose or]~~ has posed a financial hardship for him or her. ~~[-and]~~

~~[(4) Each scholarship recipient shall have attained passing scores on sections of the ARE for which the combined fees total at least \$500.]~~

(c) The Board shall not award an AREFAF scholarship to any of the following persons:

(1) any member of the Board;

(2) any employee of the Board;

(3) any person who assists in the administration of the AREFAF;

(4) any current or former member of the Texas Legislature; ~~[or]~~

(5) any family member of any person described in subsection (c)(1), (c)(2), (c)(3), or (c)(4) of this section or

(6) any person who has not passed the final section of the ARE during the 12 month period immediately preceding the date of application for the AREFAF award.

(d) Each applicant shall apply for an AREFAF award on an authorized form available in the Board's office or from an independent scholarship administrator that has been approved to administer the AREFAF.

1 (e) Each applicant shall be notified of the approval or rejection of the applicant's  
2 AREFAF application. Rejection of an application shall include an explanation of the  
3 reason for rejection.

**Rule 1.52 – Architect Examination Financial Assistance**  
**Enabling Legislation**

**§ 1051.653. Examination Fee Scholarships**

(a) The board shall administer scholarships to applicants for examination under this article in a manner the board determines best serves the public purpose of:

- (1) promoting the professional needs of the state;
- (2) increasing the number of highly trained and educated architects available to serve the residents of the state;
- (3) improving the state's business environment and encouraging economic development; and
- (4) identifying, recognizing, and supporting outstanding applicants who plan to pursue careers in architecture.

(b) In determining what best serves the public purpose of the scholarships as described by Subsection (a), the board shall consider at least the financial need of each person who applies for a scholarship under this section.

(c) The amount of the scholarship is the lesser of:

- (1) \$500; or
- (2) the amount of the required examination fee.

(d) Scholarships under this section are funded by the amount added to each renewal fee under Section 1051.651(b). The board may not use more than 15 percent of the amount appropriated to the board for scholarships under this section to pay the costs of administering the scholarships.

**Rules 1.192 – Intern Development Program**  
**Summary of Prospective Rule for Proposal**

**Current Rule**

Currently, in order to receive training credits, an applicant must be enrolled in a NAAB/CACB accredited degree program, a pre-professional architectural degree program that offers a NAAB/CACB accredited degree or must work for an IDP supervisor who is licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements. The rule also requires continuous employment for at least 8 weeks for at least 15 hours per week in order to earn training credit for work in any setting other than a post professional degree, teaching, or research setting.

**Prospective Amendments**

The amendment eliminates most prerequisites for earning training hours. As amended the rule allows an applicant to earn training hours after receiving a high school diploma, a GED equivalent, or other equivalent diploma or degree.

**Additional Information**

The amendment conforms the rule to changes adopted by NCARB to the Intern Development Program (“IDP”). The changes adopted by NCARB take effect December 16, 2013. (The NCARB memo follows the prospective rule change.)

## §1.192 Additional Criteria

(a) One Training Hour shall equal one hour of acceptable experience. Training Hours may be reported in increments of not less than .25 of an hour.

(b) An Applicant may earn credit for Training Hours ~~[upon enrollment in a NAAB/CACB-accredited degree program; upon enrollment in a pre-professional architecture degree program at a school that offers a NAAB/CACB-accredited degree program; or employment in Experience Setting A described in §1.191 of this subchapter (relating to Description of Experience Required for Registration by Examination)]~~ after obtaining a high school diploma, General Education Degree (GED) equivalent, or other equivalent diploma or degree ~~[or a comparable foreign degree]~~.

(c) ~~[In order to earn credit for Training Hours in any work setting other than a post-professional degree or teaching or research, an Applicant must work at least fifteen (15) hours per week for a minimum period of eight (8) consecutive weeks.]~~

~~(d)~~ Every training activity, the setting in which it took place, and the time devoted to the activity must be verified by the person who supervised the activity.

## **Rules 1.192 – Intern Development Program**

### **Enabling Law**

#### **§ 1051.705. Eligibility and Application for Examination**

- (a) A person may apply for an examination under this chapter if the person:
  - (1) is a graduate of a recognized university or college of architecture approved by the board; and
  - (2) has satisfactory experience in architecture, in an office or offices of one or more legally practicing architects, as prescribed by board rule.
- (b) The applicant must present to the board:
  - (1) a diploma showing that the applicant meets the education requirement established by Subsection (a)(1); and
  - (2) evidence acceptable to the board that the applicant meets the experience requirement established by Subsection (a)(2).
- (c) The board shall set an examination fee in an amount reasonable and necessary to cover the cost of the examination.

## MEMORANDUM

**To:** Member Board Members  
Member Board Executives

**From:** Katherine E. Hillegas, CAE *K E Hillegas*  
Council Relations Director

**Date:** 14 October, 2013

**Re:** Board Approved Modifications to the IDP

- Employment Duration
- Eligibility Requirements

I am pleased to notify you that the Board of Directors has voted to approve the proposed changes pertaining to employment duration requirements and the IDP eligibility date as outlined in the announcement distributed to you on May 2, 2013. Please note that these changes will become effective 16 December, 2013.

A summary of the adopted changes is below.

**Duration Requirement**

The adopted changes remove the employment duration requirement to report IDP hours. Currently, interns are required to be employed at least 15 hours per week for a minimum period of eight consecutive weeks. Effective 16 December, 2013 this requirement will be eliminated.

With the removal of this requirement, interns will be afforded the opportunity to:

- Earn IDP experience credit for valid work through the project work relative to an experience area, regardless of the time spent working on the project;
- Earn IDP credit for valid experience acquired over winter and spring breaks while in school;
- Earn IDP credit for valid experience by working on short-term projects.

As a reminder, the following edits will be made to the November 2012 *IDP Guidelines*, page 9, Employment Requirements, Paragraph 1:

*"To earn experience in setting A, O, "Design and Construction Related Employment" within setting S, and some scenarios in "Construction Work" within setting S, you must be employed. ~~at least 15 hours per week for a minimum period of eight consecutive weeks.~~*

**Memorandum to Member Board Members & Member Board Executives  
Adopted Changes to IDP  
October 14, 2013  
Page 2**

- *Unpaid internships are not eligible to earn experience hours with the exception of the approved community-based design center/collaborative as defined in experience setting S.*
- *No experience may be earned outside of the U.S. or Canada, except at an organization engaged in the practice of architecture, an approved Community-Based Design Center/Collaborative as defined in experience setting S, or through Leadership and Service defined in experience setting S.*
- *To earn experience in Teaching or Research as defined in experience setting S, you must be employed by the institution. ~~however, there is no minimum period of consecutive employment.~~*

**Eligibility Date**

The adopted change modifies the point of eligibility to participate in IDP. The existing requirement to begin participation in the Intern Development Program (IDP) is that interns meet one of three IDP eligibility dates:

- 1) Enrollment in a NAAB/CACB-accredited degree program.
- 2) Enrollment in a pre-professional architecture degree program.
- 3) Employment in Experience Setting A after obtaining a high school diploma.

**Effective 16 December, 2013, the point of eligibility to participate in IDP will be the receipt of a high school diploma or equivalent.**

As a reminder, the November 2012 *IDP Guidelines* will be modified as follows on page 9, Eligibility Requirements:

*~~"Your 'IDP eligibility date' is the date after which you are able to earn IDP experience. Qualifying experience can be earned only after obtaining a high school diploma (or equivalent), on or after your IDP eligibility date. Once this date has been established, it is set for all experience earned on or after that date. You can earn IDP experience once you have successfully established one of the following:~~*

- ~~1. Enrollment in a NAAB/CACB-accredited degree program~~*
- ~~2. Enrollment in a pre-professional architecture degree program at a school that offers a NAAB/CACB-accredited degree program.~~*
- ~~3. Employment in experience setting A after obtaining a U.S. high school diploma, General Education Degree (GED) equivalent, or comparable foreign degree."~~*

You will receive an electronic copy of the updated *IDP Guidelines* when they are available. Should you have any questions, please do not hesitate to contact either Harry Falconer ([hfalconer@ncarb.org](mailto:hfalconer@ncarb.org)) or myself ([khillegas@ncarb.org](mailto:khillegas@ncarb.org)).

**Rules 1.66, 1.69, 3.66, 3.69, 5.76 and 5.79 – Continuing Education – Initial Period upon Registration or Reinstatement**

**Summary of Prospective Rule for Proposal**

**Current Rule**

Rules 1.66/3.66/5.76 outline the conditions under which a former registrant may obtain reinstatement of a revoked or surrendered certificate of registration. Rules 1.69/3.69/5.79 specify the Board's continuing education requirements.

The rules do not address the manner in which a new registrant or a reinstated registrant is to fulfill continuing education requirements for the initial period of registration. Currently, each registrant (whether reinstated or not) is to certify upon renewal satisfactory completion of continuing education requirements during the last calendar year. The requirement assumes registration during that calendar year. However, depending upon the time of year in which an applicant becomes registered, it may be difficult to fulfill continuing education requirements and truthfully certify continuing education compliance upon renewal. There may be a very short time between the date of initial registration and the registrant's next renewal date at the end of the registrant's birth month. The same situation may arise for a former registrant whose certificate of registration is reinstated shortly before her/his birth month when the certificate of registration must be renewed. The registrant must certify compliance with continuing education requirements during a period which may, in whole or in part, predate registration.

**Prospective Rules**

The prospective amendments would require a reinstated registrant to obtain 1 hour of continuing education per month during the remainder of the first year of reinstatement or 2 hours, whichever is greater. If the registrant obtains only 2 hours of continuing education, 1 hour of those continuing education hours must address barrier-free design and the other hour must cover sustainable or energy efficient design.

### **§1.66 Reinstatement**

[Paragraph (a) through (e) omitted].

(f) Upon reinstatement of a Surrendered or Revoked registration, the Architect must complete at least 1 hour of continuing education per month for the remainder of the year in which the Architect's registration was reinstated. A minimum of 2 hours of continuing education, including 1 hour related to barrier-free design, and 1 hour related to sustainable or energy-efficient design must be completed within the calendar year.

### **§3.66 Reinstatement**

[Paragraph (a) through (e) omitted].

(f) Upon reinstatement of a Surrendered or Revoked registration, the Landscape Architect must complete at least 1 hour of continuing education per month for the remainder of the year in which the Landscape Architect's registration was reinstated. A minimum of 2 hours of continuing education, including 1 hour related to barrier-free design, and 1 hour related to sustainable or energy-efficient design must be completed within the calendar year.

### **§5.76 Reinstatement**

[Paragraph (a) through (e) omitted].

(f) Upon reinstatement of a Surrendered or Revoked registration, the Registered Interior Designer must complete at least 1 hour of continuing education per month for the remainder of the year in which the Registered Interior Designer's registration was reinstated. A minimum of 2 hours of continuing education, including 1 hour related to barrier-free design, and 1 hour related to sustainable or energy-efficient design must be completed within the calendar year.

### **§1.69(f)(1) Continuing Education Requirements**

[Subsections (a) through (e) omitted.]

(f) An Architect may be exempt from continuing education requirements as follows ~~for any of the following reasons~~]:

1 (1) During the calendar year of an Architect's initial registration, the Architect is exempt from  
2 completing the minimum mandatory CEPH but must complete the greater of the following:  
3     a. at least 1 hour of continuing education per month for the remainder of the calendar  
4     year; or  
5     b. at least 2 hours of continuing education, 1 hour of which is related to Barrier-Free  
6     Design and 1 hour of which is related to Sustainable Design or Energy-Efficient Design  
7     ~~[An Architect shall be exempt for his/her initial registration period];~~  
8 [Remainder of rule omitted.]

### §3.69

### Continuing Education Requirements

[Subsections (a) through (e) omitted.]

(f) A Landscape Architect may be exempt from continuing education requirements as follows  
[~~for any of the following reasons~~]:

(1) During the calendar year of a Landscape Architect's initial registration, the Landscape Architect is exempt from completing the minimum mandatory CEPH but must complete the greater of the following:

a. at least 1 hour of continuing education per month for the remainder of the calendar year; or

b. at least 2 hours of continuing education, 1 hour of which is related to Barrier-Free Design and 1 hour of which is related to Sustainable Design or Energy-Efficient Design

~~[A Landscape Architect shall be exempt for his/her initial registration period];~~

[Remainder of rule omitted.]

**§5.79**

**Continuing Education Requirements**

[Subsections (a) through (e) omitted.]

(f) A Registered Interior Designer may be exempt from continuing education requirements as follows ~~[for any of the following reasons]:~~

(1) During the calendar year of a Registered Interior Designer's initial registration, the Registered Interior Designer is exempt from completing the minimum mandatory CEPH but must complete the greater of the following:

a. at least 1 hour of continuing education per month for the remainder of the calendar year; or

b. at least 2 hours of continuing education, 1 hour of which is related to Barrier-Free Design and 1 hour of which is related to Sustainable Design or Energy-Efficient Design

~~[A Registered Interior Designer shall be exempt for his/her initial registration period];~~

[Remainder of rule omitted]

**Rules 1.66, 3.66 and 5.76 – Continuing Education after Reinstatement**  
**Enabling Law**

**§ 1051.356. Continuing Education.**

- (a) The board shall recognize, prepare, or administer continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's certificate of registration.
- (b) The continuing education programs:
  - (1) must include courses relating to sustainable or energy-efficient design standards; and
  - (2) may include courses relating to:
    - (A) health, safety, or welfare; or
    - (B) barrier-free design.
- (b-1) As part of a certificate holder's continuing education requirements for each annual registration period, the board by rule shall require the certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards.
- (c) The board may recognize the continuing education programs of:
  - (1) a nationally acknowledged organization involved in providing, recording, or approving postgraduate education; and
  - (2) any other sponsoring organization or individual whose presentation is approved by the board as qualifying in design or construction health, safety, or welfare.
- (d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

**This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.**

**Case Number:** 168-13N  
**Respondent:** Michael L. Garrison  
**Location of Respondent:** Austin, Texas  
**Date of Complaint Received:** May 8, 2013  
**Instrument:** Report and Notice of Violation

**Findings:**

- Michael L. Garrison (hereafter "Respondent") has been registered to engage in the practice of architecture since 1975.
- In July 31, 1989, Respondent's Texas architectural registration expired due to his failure to submit renewal materials and fees.
- During the period when Respondent was not registered to engage in the practice of architecture, he prepared and issued five (5) sheets of architectural plans and specifications for a single family residence known as the *Van Denover Residence* to be remodeled at 4603 Crestway Drive, Austin, TX.
- During the course of submitting architectural plans and specifications for the residential remodel, the plan reviewer who was a registered architect, noticed the non-compliant seal and checked his registration status online and determined that he had been revoked in 1989. The City of Austin plan reviewer contacted TBAE to confirm revocation.
- Respondent subsequently self-reported the violation to the Board, fully cooperated with this investigation, signed a confession and is currently taking the ARE.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a) (West 2012).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- Based upon the nature and character of Respondent's activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$6,000** to be paid within thirty (30) days of the Board's issuance of its Final Order.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>219-12N</b>
<b>Respondents</b>	<b>Sheila Jetton</b>
<b>Location of Respondent:</b>	<b>Dripping Springs, Texas</b>
<b>Date of Complaint Received:</b>	<b>May 16, 2012</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Sheila Jetton (hereafter "Respondent") is not and never has been registered as an architect in Texas.
- In late 2011, she prepared and issued four (4) sheets of architectural plans and specifications for a project identified as *The Fellowship at Plum Creek* located in Kyle, Texas. The project had a total floor area of 10,000 square feet and was intended to be used as a church.
- These plans were neither prepared by, nor under the supervision and control of, an architect.
- At no time has she represented herself to be legally competent to engage in the practice of architecture. In addition, she has been forthright and honest in advising those involved in the construction and development of *The Fellowship at Plum Creek* that she was not an architect.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a) (West 2004 & Supp. 2008); Board rule 1.123 (no person or entity may use any form of the word 'architect' or 'architecture' in its name or to describe the services which it provides unless registered with the Board).
- The Board may impose an administrative penalty upon Respondent.
- This is Respondent's first violation and the evidence supports a finding that she was unaware of the legal prohibitions which were involved, that there was no economic damage to the property or monetary loss to the owner. Under provision of the rules in effect at the time of her violation, an administrative penalty of \$200.00 per sheet is warranted for a total of \$800.00.

**Action Recommended by Executive Director:**

- The Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$800.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

**Case Number:** 120-13A  
**Respondent:** George Pappageorge  
**Location of Respondent:** Chicago, IL  
**Date of Complaint Received:** February 5, 2013  
**Instrument:** Report and Notice of Violation

**Findings:**

- George Pappageorge (hereafter "Respondent") is a registered architect in Texas with registration number 19056.
- On June 1, 2009, Respondent requested a change of status from active to inactive and became inactive on June 2, 2009.
- In calendar years 2011 and 2012, he provided architectural services for a project identified as *River Oaks District* located in Houston, Texas
- Respondent has had no prior complaints with the Board and self-reported this violation. In addition, TBAE staff has determined that Respondent has no other projects and has not otherwise engaged in the practice of architecture in Texas during his inactive status.
- Respondent is currently in good standing with the Board and is on active status.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a) (West 2004 & Supp. 2008).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- The Executive Director recommends, and Respondent is prepared to accept the imposition of an administrative penalty in the sum of **\$2,000.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

**Case Number:** 176-13A  
**Respondent:** Evan Taniguchi  
**Location of Respondent:** Austin, Texas  
**Date of Complaint Received:** May 31, 2013  
**Instrument:** Report and Notice of Violation

**Findings:**

- Evan Taniguchi (hereafter “Respondent”) is a registered architect in Texas with registration number 14058.
- On February 14, 2013, Michael L. Garrison (a revoked architect) prepared and issued architectural plans and specifications for a single family residence known as the *Van Denver Residence* to be remodeled at 4603 Crestway Drive, Austin, Texas. Subsequently, Mr. Garrison submitted the architectural plans and specifications to the City of Austin for permitting. The City of Austin rejected the plans and did not issue a permit for construction. Thereafter, Mr. Garrison contacted Respondent’s firm and requested that Respondent complete the plans for plan review by the City of Austin for permitting.
- On May 14, 2013, Respondent prepared and issued architectural plans and specifications for the remodel of the single family residence known as the *Van Denver Residence* located at 4603 Crestway Drive, Austin, Texas, by converting some of Mr. Garrison’s plans to Auto CAD, revising dimensions in order to comply with the City of Austin McMansion Ordinance and sealing and signing the plans.
- On or about May 21, 2013, the owner of the property located at 4603 Crestway Drive took the set of plans sealed by Respondent to the City of Austin for permitting. Since the plans appeared to have been identical to the plans Mr. Garrison had previously submitted, the plans were rejected and the permit was not issued by the City of Austin.
- Respondent became familiar with the plans when plotting them into Auto CAD and added his own calculations and dimensions. In addition, at no time was the client or the City of Austin deceived or misled by his seal and Respondent took responsibility for his conduct.

**Applicable Statutory Provisions and Rules:**

- By affixing his architectural seal to construction documents which were not prepared by Respondent or under Respondent’s supervision and control, Respondent violated 22 TEX. ADMIN. CODE §1.104(a) which prohibits an architect from affixing his/her seal to a document unless it was prepared by the architect or under the architect’s supervision and control. Although Rule 1.104(b) allows an architect to add to the

work of another and affix his or her architectural seal to the work, the architect must clearly identify the portion of the work he or she prepared and identify that the seal applies only to that portion of the work. Although Respondent did affix a statement on whether he completely redrew the plan sheet or thoroughly reviewed the plan sheet before affixing his seal and signature, Respondent did not clearly indicate the changes he made and note in writing that his seal applies only to those changes.

- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- Based upon the nature and character of Respondent's activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$1,000** to be paid within thirty (30) days of the Board's issuance of its Final Order.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

**Case Number:** 127-11N  
**Respondent:** John Taylor  
**Location of Respondent:** Dallas, Texas  
**Date of Complaint Received:** May 23, 2011  
**Instrument:** Report and Notice of Violation

**Findings:**

- John Taylor (hereafter "Respondent") is the owner of the business *Azimuth Architecture, Inc.* in Dallas, Texas.
- Neither he nor the business is registered to engage in the practice of architecture.
- His firm, *Azimuth Architecture, Inc.*, employed Jack Atkins, an architect on its staff. Jack Atkins formally resigned from *Azimuth Architecture, Inc.* on September 1, 2010.
- On February 1, 2011, *Azimuth Architecture, Inc.* entered into an agreement with architect, Mike Williams, to provide architectural services for *Azimuth Architecture, Inc.*
- From September 2, 2010 until January 31, 2011, *Azimuth Architecture, Inc.* offered architectural services through its website, [www.azimutharc.com](http://www.azimutharc.com).
- In February of 2010, Respondent prepared architectural plans and specifications, including elevations and a site plan for a project identified as *Bosque County Law Enforcement Center*. Respondent presented the plans to the Bosque County Commissioner's Court on February 13, 2011.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a) (West 2004 & Supp. 2008); Board rule 1.123 (no person or entity may use any form of the word 'architect' or 'architecture' in its name or to describe the services which it provides unless registered with the Board).
- The Board may impose an administrative penalty upon Respondent in the amount of \$2,000.00 per violation.

**Action Recommended by Executive Director:**

- The Executive Director recommends, and Respondent is prepared to accept imposition of an administrative penalty in the sum of **\$10,000.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>196-13L</b>
<b>Respondent:</b>	<b>Jennifer Appel</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Jennifer Appel (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 1930.
- On May 15, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- She responded by calling and informing the Continuing Education Coordinator that she had some classroom hours, but could not locate them. However, she subsequently made up the hours and provided the Board with certificates of completion.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of her continuing education activities for the period of May 1, 2011 through April 30, 2012, Respondent violated Board rule 3.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>009-14A</b>
<b>Respondent:</b>	<b>Ted Armstrong</b>
<b>Location of Respondent:</b>	<b>Ft. Worth, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Ted Armstrong (hereafter "Respondent") is registered as an architect in Texas with registration number 16426.
- On July 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On August 8, 2013, he responded by submitting a letter indicating that he could not locate his CEPH Log and supporting documentation for the audit period. However, he subsequently made up the hours and sent a CEPH Log and certificates of completion for his continuing education for the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>195-13I</b>
<b>Respondent:</b>	<b>Debra Lee Bache</b>
<b>Location of Respondent:</b>	<b>Kingwood, Texas</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Debra Lee Bache (hereafter "Respondent") is a registered interior designer in Texas with registration number 10426.
- On March 18, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of March 1, 2011 through February 29, 2012.
- On April 1, 2013, the Board received a reply from her stating that she could not locate her original certificates, but she had taken more hours and furnished those certificates for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of her continuing education activities for the period of March 1, 2011 through February 29, 2012, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>174-13A</b>
<b>Respondent:</b>	<b>Robert T. Batho</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Robert T. Batho (hereafter "Respondent") is registered as an architect in Texas with registration number 4422.
- On November 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of November 1, 2011 through October 31, 2012.
- On April 30, 2013, he responded by submitting a CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>198-13A</b>
<b>Respondent:</b>	<b>Arcadio Blonski</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Arcadio Blonski (hereafter "Respondent") is registered as an architect in Texas with registration number 13542.
- On May 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- On June 14, 2013, he responded by sending an email explaining that he could not locate the certificates of completion. The Continuing Education Coordinator informed him that he must make up the hours if he could not locate his certificates.
- On July 2, 2013, he submitted certificates of completion for his continuing education requirements that were taken through NCARB.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>002-14A</b>
<b>Respondent:</b>	<b>Michael Boggio</b>
<b>Location of Respondent:</b>	<b>Franklin, MI</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Michael Boggio (hereafter "Respondent") is registered as an architect in Texas with registration number 8053.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

**Applicable Statutory Provisions and Rules:**

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty for this violation is **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$1,450.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>061-14A</b>
<b>Respondent:</b>	<b>Donald E. Eckols</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Donald E. Eckols (hereafter “Respondent”) is registered as an architect in Texas with registration number 13288.
- On July 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On October 28, 2013, he responded by calling the Board’s Continuing Education Coordinator to notify him that he did not have all of the certificates of completion for the audit period. However, he subsequently made up the deficient hours and produced the certificates of completion.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>201-13A</b>
<b>Respondent:</b>	<b>Evan U. Evans</b>
<b>Location of Respondent:</b>	<b>Plano, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Evan U. Evans (hereafter "Respondent") is registered as an architect in Texas with registration number 13797.
- On March 18, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2009 through August 31, 2010.
- He responded by calling the office and explaining that he had moved his offices and had lost the certificates of completion during the move. However, he believed that he was in compliance with the mandatory continuing education requirements at the time of the audit.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2009 through August 31, 2010, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>006-14A</b>
<b>Respondent:</b>	<b>Mark W. Henderson</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Mark W. Henderson (hereafter "Respondent") is registered as an architect in Texas with registration number 13114.
- On May 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of November 1, 2009 through October 31, 2010.
- Shortly thereafter, he responded by contacting the Board's Continuing Education Coordinator and stating that he had run into some complications with his prior employment and was unable to submit all of the documentation for his continuing education documents for that period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of November 1, 2009 through October 31, 2010, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>003-14I</b>
<b>Respondent:</b>	<b>Carolyn F. Hiza</b>
<b>Location of Respondent:</b>	<b>Pflugerville, Texas</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Carolyn F. Hiza (hereafter "Respondent") is a registered interior designer in Texas with registration number 3345.
- On July 16, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2010 through December 31, 2010.
- On August 9, 2013, she responded by sending a letter to the Board's Continuing Education Coordinator and informing him that she could not locate the records. However, she subsequently made up the deficient hours and produced the certificates of completion.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that she had completed the required continuing education in order to renew her registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>007-14A</b>
<b>Respondent:</b>	<b>Javier Huerta</b>
<b>Location of Respondent:</b>	<b>Brownsville, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Javier Huerta (hereafter "Respondent") is registered as an architect in Texas with registration number 19390.
- On June 17, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2009 through November 30, 2010.
- On July 15, 2013, he responded by sending his continuing education credits for the current 2013 period and a letter stating he still had some files in storage.
- On July 16, 2013, the CE Coordinator sent him an email asking if he needed more time to locate the records. No response was received from him.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of December 1, 2009 through November 30, 2010, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's request, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$750.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

**This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.**

<b>Case Number:</b>	<b>008-14I</b>
<b>Respondent:</b>	<b>Anne E. Kniffen</b>
<b>Location of Respondent:</b>	<b>Dallas, Texas</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Anne E. Kniffen (hereafter "Respondent") is a registered interior designer in Texas with registration number 4544.
- On July 16, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On August 14, 2013, she responded by sending a letter to the Board's Continuing Education Coordinator informing him that she could not locate the records due to a computer crash. However, she subsequently made up the deficient hours and produced the certificates of completion for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of her continuing education activities for the period of July 1, 2011 through June 30, 2012, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>212-13I</b>
<b>Respondent:</b>	<b>Nai Lam</b>
<b>Location of Respondent:</b>	<b>Frankston, Texas</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Nai Lam (hereafter "Respondent") is a registered interior designer in Texas with registration number 10016.
- On July 16, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- In early August 2013, she responded by calling the Board's Continuing Education Coordinator and informed him that she could not locate her continuing education records. However, she subsequently made up the deficient hours and produced the certificates of completion for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of her continuing education activities for the period of July 1, 2011 through June 30, 2012, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>169-13I</b>
<b>Respondent:</b>	<b>Steven W. Langford</b>
<b>Location of Respondent:</b>	<b>Santa Ana, CA</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Steven W. Langford (hereafter "Respondent") is registered as an interior designer in Texas with registration number 8375.
- On February 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On March 5, 2013, he replied to the Board's Continuing Education Coordinator with a CEPH Log and supporting documentation for his continuing education requirements. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>010-14A</b>
<b>Respondent:</b>	<b>Timothy A. McIntyre</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Timothy A. McIntyre (hereafter "Respondent") is registered as an architect in Texas with registration number 15181.
- On August 19, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of August 1, 2011 through July 31, 2012.
- On September 13, 2013, he met with the Continuing Education Coordinator and informed him that he did not have the continuing education credits for the audit period. However, he subsequently made up the hours and sent a CEPH Log and certificates of completion for the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>194-13A</b>
<b>Respondent:</b>	<b>Ben S. McMillan</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Ben S. McMillan (hereafter "Respondent") is registered as an architect in Texas with registration number 15182.
- On March 18, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of March 1, 2011 through February 29, 2012.
- On April 15, 2013, he responded by sending his CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his hours claimed did not have certificates of completion.
- The Continuing Education Coordinator sent him another letter stating that he needed the certificates of completion for the missing hours. On July 1, 2013, the Board received a letter from him stating that he was unable to locate all of the certificates of completion; therefore, he replaced the missing hours with a 14 hour course.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of March 1, 2011 through February 29, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>093-13A</b>
<b>Respondent:</b>	<b>Gary A. Mendoza</b>
<b>Location of Respondent:</b>	<b>Dorchester, MA</b>
<b>Nature of Violation:</b>	<b>Failure to Respond to a Board Inquiry</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Gary A. Mendoza (hereafter "Respondent") is registered as an architect in Texas with registration number 16578.
- In the course of a random continuing education audit, he was requested to provide verification of CE hours for the audit period August 1, 2011 through July 31, 2011.
- During the course of staff's investigation regarding his continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to respond to a written request for information within 30 days of staff's request, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$250.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>197-13A</b>
<b>Respondent:</b>	<b>Hugo E. Monsanto</b>
<b>Location of Respondent:</b>	<b>Waxahachie, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Hugo E. Monsanto (hereafter “Respondent”) is registered as an architect in Texas with registration number 7967.
- On March 18, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of March 1, 2011 through February 29, 2012.
- On March 20, 2013, he responded by sending his CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his hours claimed did not have certificates of completion.
- The Continuing Education Coordinator sent him another letter stating that he needed the certificates of completion for the missing hours. On July 1, 2013, the Board received a letter from him stating that he was unable to locate all of the instructors for the courses previously taken; therefore, he replaced the missing hours with new courses and certificates of completion.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of March 1, 2011 through February 29, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>062-14I</b>
<b>Respondent:</b>	<b>Robert E. Montgomery</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Robert E. Montgomery (hereafter "Respondent") is registered as an interior designer in Texas with registration number 1960.
- On September 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- On September 24, 2013, he replied to the Board's Continuing Education Coordinator by submitting a CEPH Log and supporting documentation for his continuing education requirements. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>211-13I</b>
<b>Respondent:</b>	<b>Sherry R. Moore</b>
<b>Location of Respondent:</b>	<b>Sugar Land, Texas</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Sherry R. Moore (hereafter “Respondent”) is a registered interior designer in Texas with registration number 5673.
- On June 17, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of December 1, 2009 through November 30, 2010.
- On July 17, 2013, the Board received a reply from her stating that she thought that NCIDQ was keeping track of her continuing education credits and found out that they only had her continuing education credits through 2006. Therefore, she was unable to produce the certificates for the continuing education credits that she had taken for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of her continuing education activities for the period of December 1, 2009 through November 30, 2010, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>056-14I</b>
<b>Respondent:</b>	<b>Gerri P. Mullican</b>
<b>Location of Respondent:</b>	<b>Galveston, Texas</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Gerri P. Mullican (hereafter “Respondent”) is a registered interior designer in Texas with registration number 5273.
- On September 15, 2011, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of September 1, 2010 through August 31, 2011.
- After she received the audit notice, she voluntarily surrendered her interior design registration in October 2011.
- On August 26, 2013, she reinstated her interior design registration.
- On September 10, 2013, the Board’s Continuing Education Coordinator sent her a second notice advising her that the Board had not received a response to the initial audit.
- In response to the Board’s letter, she contacted the Continuing Education Coordinator and informed him that she could not locate her continuing education supporting documentation. However, she subsequently made up the hours and produced the certificates of completion for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of her continuing education activities for the period of September 1, 2010 through August 31, 2011, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>004-14A</b>
<b>Respondent:</b>	<b>Mark A. Oberholzer</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Mark A. Oberholzer (hereafter "Respondent") is registered as an architect in Texas with registration number 17057.
- On July 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On August 13, 2013, he responded by sending a letter to the Board explaining that he had been a Professor at UT's School of Architecture for the past three academic years and he thought that his time preparing for and teaching the Construction One course was sufficient for all of his continuing education credits and not just the self-directed credits. However, he took full responsibility and subsequently completed all courses for his continuing education.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>005-14I</b>
<b>Respondent:</b>	<b>Susan E. Rickard</b>
<b>Location of Respondent:</b>	<b>Allen, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Susan E. Rickard (hereafter "Respondent") is registered as an interior designer in Texas with registration number 2304.
- On July 16, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On August 9, 2013, she responded by sending a letter to the Board's Continuing Education Coordinator to notify him that she was a juror for the NCIDQ exam and she thought her time serving on the committee was adequate for her continuing education credits. However, she subsequently made up the deficient hours and produced the certificates of completion.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that she had completed the required continuing education in order to renew her registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>051-14A</b>
<b>Respondent:</b>	<b>John E. Robert</b>
<b>Location of Respondent:</b>	<b>Cupertino, CA</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- John E. Robert (hereafter "Respondent") is registered as an architect in Texas with registration number 16435.
- On September 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- Shortly thereafter, he contacted the Continuing Education Coordinator to inform him that he had lost his certificates on a move to California. However, he subsequently made up the hours and sent his certificates of completion for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2011 through August 31, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>055-14A</b>
<b>Respondent:</b>	<b>Stan A. Robertson</b>
<b>Location of Respondent:</b>	<b>Lubbock, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Stan A. Robertson (hereafter "Respondent") is registered as an architect in Texas with registration number 20518.
- On July 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2010 through December 31, 2010.
- On October 10, 2013, he responded by sending his CEPH Log and certificates of completion. A review of the documentation by the Continuing Education Coordinator determined that a portion of the continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>213-13L</b>
<b>Respondent:</b>	<b>William Curtis Scoggins</b>
<b>Location of Respondent:</b>	<b>Baton Rouge, LA</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- William Curtis Scoggins (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 583.
- On July 16, 2012, he was notified by the Board that he was subject to a random audit for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On July 29, 2013, the Board received his CEPH log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of the continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 3.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>046-14A</b>
<b>Respondent:</b>	<b>Mark E. Sorenson</b>
<b>Location of Respondent:</b>	<b>Madison, Wisconsin</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Mark E. Sorenson (hereafter "Respondent") is registered as an architect in Texas with registration number 11870.
- On July 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2010 through December 31, 2010.
- On August 9, 2013, he responded by sending a letter to the Board explaining that he had been unable to complete all of his CE requirements within the audit period. The Continuing Education Coordinator suggested that he make up the hours. He completed the required hours and sent them to the CE Coordinator on September 25, 2013.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>204-13I</b>
<b>Respondent:</b>	<b>Catherine L. Swanteson</b>
<b>Location of Respondent:</b>	<b>Bryan, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Catherine L. Swanteson (hereafter "Respondent") is registered as an interior designer in Texas with registration number 2627.
- Based upon the results of a random continuing education audit, it was determined that she failed to timely complete her continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, she falsely certified completion of her CE responsibilities in order to renew her interior design registration.
- During the course of staff's investigation, Respondent failed to respond to two written requests for information.

**Applicable Statutory Provisions and Rules:**

- By indicating at the time of her online renewal that she was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 5.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 5.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 5.171 which requires that a landscape architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$1,700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>166-13A</b>
<b>Respondent:</b>	<b>David Andrew Vernoooy</b>
<b>Location of Respondent:</b>	<b>Lubbock, TX</b>
<b>Nature of Violation:</b>	<b>Failure to Respond to a Board Inquiry</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- David Andrew Vernoooy (hereafter "Respondent") is registered as an architect in Texas with registration number 7996.
- In the course of a random continuing education audit, he was requested to provide verification of CE hours for the audit period November 1, 2011 through October 31, 2012.
- During the course of staff's investigation regarding his continuing education credits, Respondent failed to respond to two written requests for information.
- Respondent was compliant with CE obligations for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to respond to two written requests for information within 30 days of staff's request, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **\$250.00** per violation for a total of **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>191-13A</b>
<b>Respondent:</b>	<b>Parke R. Wellman</b>
<b>Location of Respondent:</b>	<b>North Kansas City, MO</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Parke R. Wellman (hereafter "Respondent") is registered as an architect in Texas with registration number 14067.
- On March 18, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of September 1, 2009 through August 31, 2010.
- Shortly thereafter, she called the Board and stated that she had lost her CE records due to a move from Texas to Kansas City, Missouri, and was unable to submit documentation of her continuing education documents for the audit period of September 1, 2009 through August 31, 2010.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2009 through August 31, 2010, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

**Case Number:** 110-13A  
**Respondent:** Gordon N. Yeatts  
**Location of Respondent:** Houston, TX  
**Nature of Violation:** Violation of Continuing Education Requirements  
**Instrument:** Report and Notice of Violation

**Findings:**

- Gordon N. Yeatts (hereafter "Respondent") is registered as an architect in Texas with registration number 7765.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of June 1, 2011 through May 31, 2012.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.

**Applicable Statutory Provisions and Rules:**

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$1,700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>200-13A</b>
<b>Respondent:</b>	<b>C. Cal Young</b>
<b>Location of Respondent:</b>	<b>Plano, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- C. Cal Young (hereafter "Respondent") is registered as an architect in Texas with registration number 14815.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of September 1, 2009 through August 31, 2010.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.

**Applicable Statutory Provisions and Rules:**

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$1,700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>214-13A</b>
<b>Respondent:</b>	<b>Erron A. Young</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Failure to Respond to a Board Inquiry</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Erron A. Young (hereafter "Respondent") is registered as an architect in Texas with registration number 21073.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period April 1, 2011 through March 31, 2012.
- During the course of staff's investigation regarding his continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to respond to a written request for information within 30 days of staff's request, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty of **\$250.00**.



HOUSE OF REPRESENTATIVES  
**JOE STRAUS**  
**SPEAKER**

December 20, 2013

Dear Board Member,

I recently became aware of Governor Perry's November 22 letter to executive branch appointees regarding oversight responsibilities. I am writing to agree with and expand upon Governor Perry's comments on the importance of appropriate oversight.

Oversight of state agencies and institutions was never meant to be comfortable or easy. Members of the Legislature share with you the burden and the difficult task of overseeing agencies whose charges include teaching our children, paving our roads, and keeping us safe. While your oversight comes in the form of board action, the Legislature's oversight comes in two forms -- the normal legislative committee review process (including our review of an agency or institution during the appropriations process) and the examination of an agency or institution when a particular alarm is raised by the governing board or the public.

To paraphrase Governor Perry, Texans should be deeply troubled when an entity with oversight authority is stymied from exercising that authority. I am proud of the fact that not a single board member or employee of an agency has ever appeared before a legislative oversight committee and refused to answer questions about either their actions or an agency's operation. Both board members and the Legislature need to ask difficult questions. This is why the House, after discussions with the Governor, created the Select Committee on Transparency in State Agency Operations: so that we do not have to choose between preserving the efficient operation of state government and drawing a veil of secrecy around agency operations.

Recent experience indicates that only the combination of effective legislative oversight and the oversight provided by appointed boards helps keep this state headed in the right direction. In the last two budget cycles, your suggestions allowed Texans to receive essential services during challenging budget times. By working cooperatively with legislators on a number of bills, and by providing invaluable expert testimony, you helped the Legislature reform state agencies to make them more responsive to Texas taxpayers.

In spite of the large number of successes, some high-profile incidents underscore the need for legislative oversight:

- In the past session, the work of the Transparency Committee highlighted inefficiencies, including failures of the governing board, at CPRIT. The legislative review led to the replacement of the entire board and criminal charges against former employees.

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- The failure of appointed board members at the Texas Youth Commission to deal with issues brought to light by legislative oversight committees led to the wholesale departure of the board, the placement of the agency into conservatorship, and the eventual dissolution of the agency.
- Oversight failures by individual members of the board or the board itself have also led to needed board changes at the Texas Department of Housing and Community Affairs, the Texas Lottery Commission, and UTIMCO.

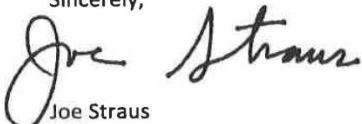
It is important to note that ethical lapses and public corruption by state agencies are neither common nor tolerated in Texas. As Texans, we have had a deserved reputation for operating an efficient, appropriately sized government which meets citizens' needs. However, when problems arise, taxpayers expect the Legislature to ask questions, identify areas for improvement, and enact reforms.

As House committees begin to work on their interim charges and visit with agencies about their priorities, I urge both House members and executive appointees to work together to identify items that may be appropriate to investigate, remedy, or eliminate. Only by the executive and legislative branches appropriately exercising their oversight powers can the public be assured that each taxpayer is getting the maximum benefit from state government.

Finally, the Governor expressed that some appointees wonder, based on questions now being asked by the House Committee on Transparency in State Agency Operations, if they should limit their oversight roles. The House does not seek to limit oversight. Rather, the House wants effective and appropriate oversight that allows agencies to operate properly and efficiently. On the rare occasion that executive appointees appear to be using their authority to harm the agencies they oversee, the Legislature will continue to exercise its own oversight responsibilities.

Thank you for your service to Texas and for your partnership with the Texas Legislature. Our joint work makes us a model for the rest of the country.

Sincerely,



Joe Straus  
Speaker

JRS/je

cc: The Honorable Rick Perry, Governor  
The Honorable David Dewhurst, Lieutenant Governor  
Members, 83<sup>rd</sup> Texas Legislature